

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
HYDROGRAPHIC SERVICES REVIEW PANEL
THIRD MEETING

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(Volume II of II)

Nauticus, The National Maritime Center
Norfolk, Virginia

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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
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Speaker:
David Enabnit,
Technical Director, Office of Coast Survey

Staff:
Monica Cisternelli
Barbara Hess
Steve Vogel

HYDROGRAPHIC SERVICES REVIEW PANEL MEETING
11/16/04
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MR. RAINEY: I would like to open this thing up. Today I'm real excited about it because today we don't have a huge amount of ground to cover. This is probably the first time we have sat as a committee where we can have some time to discuss how we want to move forward. The idea I think today will be to sort of wrap up what we covered yesterday and kind of go over the agendas.

I know most of us have been involved in a lot of different meetings, and it's always a challenge to capture what everybody thought that we said and report it out. It's always amazing to see what you come out with. So we have gone over this morning before the meeting, trying to pull out exactly what we captured yesterday. We had a couple of edits that we were proposing yesterday to bring back up, and then there will be an opportunity, if people have had some time to think about some other specifics that they want to include, to take a look at those. So we'll start out with that, and then we'll have really the majority of the day to talk about ideas about moving ahead.

I would like to thank again the Hampton Roads Maritime Association and the Virginia Pilots again for sponsoring us and the events through the meeting.

Also, yesterday, I was so kind of locked into how much we had to cover, and we had a nice welcome and introduction with Nauticus, but I wanted to also welcome formally Barbara Hess who stepped in for Gretchen Imahori. I think you have all seen the e-mails and whatnot, but Gretchen is out in Seattle now. Barbara stepped in, and Mike and Steve are with us again, and it's been a big effort to get all of these materials kind of pulled together to carry the meeting. So I wanted to officially welcome Barbara. She's come down to my office, and I met with her and Captain Parsons a bunch of times to try to get all the logistics and stuff all pulled together. We are still in good hands and still moving forward.

CAPTAIN PARSONS: Before we jump into business, if I could take a moment to introduce a gentleman, Ian Stock from the UK Hydrographic office. Ian was attending our chart agents meeting up in Silver Springs yesterday and took the opportunity to come down and sit in and observe the workings of the Panel. So, Ian, I welcome you along with the other members of the public to today's session.

1 MR. RAINEY: We do have a sign-in sheet. I
2 see that folks have signed up for the public. We'll have
3 that again today so we have a record of who all was here.
4 Today my comment from yesterday actually applies, and
5 we'll have an opportunity for public comment at the end of
6 the day.

7 On that note I would just like to say, I do
8 feel good about today because I think we'll actually have
9 time to think through things. We won't be pressed. But
10 what are people's needs and concerns about checking out?
11 Is there a time that we want to take a break for flights
12 out of here or -- just kind of an FYI so we know what we
13 are up against.

14 CAPTAIN MYRTIDIS: I'm leaving at 2:40. I'm
15 actually getting picked up at quarter to three.

16 MR. RAINEY: Is the way the agenda set
17 roughly, with the lunch break and such, is that going to
18 accommodate everybody with what they need to do as far as
19 the meeting and all that? I don't see any reason why we
20 can't finish up, because this is just open time so we
21 can kick around some ideas. I think we are going to be in
22 good shape. We won't be pressed to adjourn.

23 Does anybody else have any other sort of
24 administrative or opening comments on that?

25 MS. BROHL: Yesterday, I think it was Sherri

1 mentioned to me that you may be on another committee or --
2 maybe it was you, Elaine, I'm sorry, I just can't
3 remember, but talking about the opportunity for different
4 subjects that aren't necessarily related to the agenda at
5 hand, if there is something you want to put on the table,
6 if there are certain interests that any one of you may
7 have. Obviously we had a chance before the meeting to
8 submit ideas for the agenda, but we have had a heavy plate
9 in terms of stuff right in front of us. So if there is a
10 way that we can, I guess, as we move along and some of
11 those critical needs are handled, if there is a more
12 appropriate way to jump in with a new subject -- or can we
13 do it at meetings or would you prefer to have it before
14 meetings?

15 CAPTAIN PARSONS: Well, it certainly can be
16 during a meeting. The most opportune time would be to get
17 them on the agenda beforehand so we can notify those
18 members of the public that may be interested in attending
19 that session. It doesn't preclude an item from being
20 added.

21 MS. BROHL: Even if it's put forth and then
22 you realize you want to bring it up at the next meeting?

23 MR. GRAY: In that vein, I would just repeat
24 what I put in the e-mail I sent out, I think at the end of
25 September. During September a website was opened, WWW

1 shipping fax dot com, and that is sponsored by about ten
2 international shipping organizations led by the
3 International Chamber of Shipping, which has been around
4 for about a hundred years, Inner Tankco, Inner Cargo, oil
5 companies, International Marine Forum, I don't know who
6 all, but they all are joint sponsors of that website.
7 It's very easy to use.

8 It's got all kinds of information on how big
9 the volumes of trade are between here and there, the
10 amounts of money and one thing or another, and it's an
11 opportunity that -- many of those organizations joined
12 together about a year ago in a thing called the Round
13 Table. They did that mainly so that they could be the
14 voice of the shipping industry in front of the people in
15 Brussels, the ECEU, and so forth.

16 To help put that case forward to the public
17 and to the media, they opened up this website in the
18 middle of September, and I really commend it to everybody
19 to just take a look and see what's in there. It's very
20 easy to use. You can ask questions of it; how do I get a
21 job in the shipping industry, what do sailors do, what's
22 the insurance program. You name it, I think they have it
23 there. So I think it's well worth looking at and
24 commending to people who are, you know, think that we are
25 just a bunch of people that run ships and pollute and

1 things like that. Take a look at this and recommend it to
2 your friends. Thank you.

3 MR. RAINEY: I think Helen's comment or
4 point, I think that's the whole purpose of today. I think
5 that's just exactly what we want to talk about, is how we
6 move forward.

7 I was real pleased that we got through
8 everything yesterday, but I think in moving ahead what
9 we'll want to do is, to the extent we can, have sort of an
10 idea of where we're headed, based on our charter, and what
11 we are set up to do in close coordination with NOAA, and
12 to have sort of a work plan in front of us to organize in
13 some fashion. I have a couple of ideas to throw out, but
14 I'm most interested in getting the Panel engaged in how we
15 want to proceed.

16 It seems like -- I'm getting a little ahead,
17 but it seems like we have some big strategic issues, but
18 also, I think what you're asking about is, how do we
19 handle -- I don't know the right term, but more specific
20 projects or problems, things like that, how to weave all
21 that in.

22 That's really what I'm hoping to have today,
23 is some sort of a consensus on how we want to proceed,
24 because I think the experience and the -- I just think
25 this is a very good panel, and I want to make sure that

1 everybody has a chance to be fully engaged. I don't want
2 it to come just through me, and I don't want to be a
3 bottleneck on this. I think if we can get this set up and
4 organized in a way that we know how we can carry on, we
5 can handle a whole lot more work in a lot more depth with
6 the added value of everybody participating. That's what
7 I'm trying to achieve today, is to get some ideas
8 together.

9 MS. BROHL: Just to follow up from
10 yesterday's discussion on the minutes of the last meeting,
11 Roger, this time we obviously passed a lot of resolutions
12 and recommendations. The last time we passed one of our
13 recommendations it had to do with PORTS funding, asking
14 NOAA I guess to be as dynamic as possible with ONB, I
15 guess, is how we were looking at it for PORTS funding.
16 What is the procedure administratively to get that
17 recommendation to the Administrator?

18 A. That recommendation was forwarded to
19 Dr. Spinrad's office, and I have to tell you up front that
20 Rick felt strongly that the wording and the reproach that
21 that resolution, if you would, took, would not sit well
22 with the Administrator, and being the first bit of
23 business and first bit of recommendation that this Panel
24 would provide to the Administrator, he thought that would
25 set a bad tone, so he tabled it. He took that upon

1 I brought an example. I wanted to talk a little bit about
2 the FACA data base and not dwell on it, but just everybody
3 should be aware of how we are going to be sort of the
4 oversight on these backup panels, and just sort of the
5 mechanics of it.

6 I have done a little bit of research on
7 that, but I have some examples from another FACA, that
8 actually Captain McGovern chairs of a personnel advisory
9 committee, which is a FACA with the Coast Guard, and they
10 set up, I think, a very workable tracking system. I think
11 if we take a look at some of those things, that will help
12 us do a couple of things. I think it will help us
13 organize our work plan and know our status, and we can
14 follow through with recommendations and the status of them
15 as they go up and what actions have been taken and such.

16 It will also give us a data base, something
17 that will actually be very easy then to fill out these
18 annual FACA reports, and I have a copy of those in the
19 notebooks for you to take a look at, to see what we
20 actually have to report out on. So that would give us a
21 tool, kind of a framework to build that on. So that's one
22 of the things I wanted to go over today to help us just
23 sort of keep track of the work plan and how we are
24 corresponding with NOAA and back and forth.

25 MS. BROHL: If I can follow up, when the

1 himself to hold on to that and was not opposed in
2 principle to what the Panel was saying, but was opposed in
3 not being the first course of business. The tone of what
4 was hammered out during those last two hours, he thought,
5 would be real detrimental to this Panel, to move that tone
6 to the Administrator.

7 Q. Can you help explain why and what in
8 particular can be done differently? Do you have a
9 perspective on that? My perspective of it is, I didn't
10 think that it had a tone, it was kind of straightforward,
11 but if there is some kind of guidance you can give us --

12 CAPTAIN PARSONS: I don't have it in front
13 of me. I wish I did, but essentially I think what the
14 Panel through that statement had indicated, you were
15 essentially telling the Administrator what his
16 responsibilities were for the funding of PORTS. I think
17 the Administrator knows full well what his
18 responsibilities are, and to have this Panel as its first
19 order of business remind him what his responsibilities are
20 with respect to funding, Rick was not willing to move that
21 forward.

22 MR. RAINEY: One of the things today, that I
23 wanted to propose and get people's comment on was sort of
24 a mechanism that we can set up that works for NOAA and
25 that works for us, to kind of track our recommendations.

1 Administrator spoke at our meeting the first time, I
2 thought he said to us that he wanted us to -- and he
3 explained this budget process, how difficult it is for
4 him, that he gets to a certain point, that it's not NOAA
5 that has a problem, it's Commerce or ONB, and that he
6 would appreciate any kind of a way to help him get the
7 message to the people above him that these things need to
8 be funded. So is the issue that there may be a more
9 productive way or expressed in a way that would help him
10 do that?

11 CAPTAIN PARSONS: I think the tone in
12 yesterday's conversations and recommendations took is
13 exactly what will be helpful for this Panel, and I think
14 that's on the agenda to review those recommendations. I
15 think in the context of what was discussed yesterday, that
16 will certainly be useful to the administration.

17 MR. GRAY: And I'd just sort of ask a
18 procedural question, because he said Dr. Spinrad said I
19 think not so he tabled it. Under this charter for us, we
20 are to advise the Administrator, not Dr. Spinrad. Are we
21 always going to have a filter to go through?

22 CAPTAIN PARSONS: In the terms of the fact
23 that Spinrad has been designated as -- what's the term
24 Barbara?

25 MS. HESS: Decision maker.

1 CAPTAIN PARSONS: Decision maker, such as a
2 conduit, he is not -- and I think most of you know Rick
3 well enough, he is not going to be sensoring what this
4 Panel recommends. He was real addiment that the first
5 bit --

6 CAPTAIN MCGOVERN: What do you call that
7 then?

8 DR. LAPINE: This goes back to what I told
9 everybody yesterday morning. Until you can get beyond the
10 immediate structure, there is no hope for Hydrographic
11 Services.

12 CAPTAIN PARSONS: No, no, no. Let me tell
13 you something. Scott and I attended a meeting with the
14 Administrator before the July meeting, and without going
15 into specifics of what the Administrator indicated, he was
16 not convinced that he needed a federal advisory committee
17 to advise him. He did not fully understand at the time
18 either that this was a legislative committee, but with
19 that first taste in his mind, he wanted to make sure that
20 the first order of business that came across from this
21 Panel did not convince him that he didn't need this
22 federal advisory committee.

23 MR. RAINEY: One of the things, and it may
24 seem trivial, but one of the things I have really been
25 struggling with is exactly how -- first of all, we need

1 to -- and this is going into the meat of today. It's a
2 broken record thing for me, but I have been hung up on how
3 to get all of you engaged, and to do that, we have to get
4 to the issues that we want to talk about.

5 Now, I have done what I can, and when I
6 first stood up, I sent a letter to Admiral Laudenbacher
7 and to Dr. Spinrad in both saying we are stood up. It's a
8 great panel. We want to do good things. I would
9 appreciate your insights. I have given you back the
10 letter, and we've talked about it at least twice, that
11 Dr. Spinrad had, and that is going to be sort of -- that
12 is some important feedback for us. We got them to our New
13 York meeting. So we are on the road.

14 One of the things I want to do -- I have not
15 done, I think, a great job to identify exactly how I want
16 to communicate our work product. I'm still trying to get
17 that figured out. Roger and I talked about this at least
18 twice in a couple of different meetings. We want to have,
19 or at least my sense of what I want to do is, I want to
20 take our exact language and recommendations and capture
21 those. That's why it's going to be important. I want to
22 go back through this today.

23 The reason we ran through all that yesterday
24 is so we could capture it, because we are taking verbatim
25 notes, but when we got them back from the last couple of

1 meetings, it takes awhile to get them back, and you really
2 have to distill down what we agreed to. Part of the
3 problem we had with the New York resolution or
4 recommendation was, at the end of the day it was really
5 very, very difficult to see what we had captured. We are
6 making amendments on the fly and people were peeling off
7 leaving to catch planes, and we ended up -- it was
8 extremely -- we had the written document, but it was kind
9 of hard to see exactly what that was saying.

10 So part of what I want to do today is to
11 talk about some ideas about how we are going to send up
12 our recommendations in a format that's readable and
13 effective to advise the Administrator. So we've talked
14 about -- we have some ideas on that, but these are the
15 mechanics that are going to kind of make or break what we
16 are trying to do.

17 If we can't get the communication link
18 established up and down and know where -- I have some
19 ideas on that. I want to share them with you. You have
20 all been involved in a lot of different things, so you can
21 probably add a lot of value and some new ideas to that.
22 That's one of the things I'm hoping, is just to have our
23 mechanics down so we all understand how this is going to
24 work and go forward.

25 There are some interesting things I found

1 out in trying to research all this. Captain Parsons
2 helped me with getting legal counsel back. We heard from
3 the Department of Commerce on some of these things, and
4 there are some interesting answers that I never would have
5 imagined on the way this thing is structured. And I want
6 to put those out to you, and then kind of get a sense from
7 the committee what we may want to do about that. Part of
8 it is some interesting complications with us being special
9 government employees, and we'll talk about that when we
10 move on.

11 What I think I would like to do is go ahead
12 and go back, and let's go back through -- let's step back
13 through so that we are all in agreement of what we passed
14 yesterday, and then we can kind of wrap that up and then
15 we can spend the rest of the day -- that's what we are
16 here for today, is to get all of this nailed out and have
17 a good plan moving forward.

18 RADM WEST: Scott, let me talk about a
19 procedure thing I'm a little concerned about, and I don't
20 mean to preach. We are here to advise the federal
21 government in the expertise area of Hydro Services. We
22 are not to be sequestered by the chain of command through
23 NOAA.

24 Now, I happen to agree with Rick Spinrad
25 that the first thing that came out of this group should

1 not have been to the Administrator, put more money in
2 FORTS. We could have done it much better. On the other
3 hand, there has to be a mechanism that when we advise
4 NOAA -- the first thing we did when we sat down yesterday
5 morning should have been what was the action from last
6 time, what was done, go over all that stuff so we can talk
7 about where we are at.

8 We are not just getting our information from
9 NOAA. We need to go to Commerce. You and Helen and a
10 couple of others need to go to Commerce, go to NOB, you
11 need to get over to the Hill. We need to ask anybody else
12 that ought to be telling us what the hell is going on with
13 what effects the federal government is doing in Hydro
14 Services so we have a better picture. And then we advise
15 him, whether he likes it or not.

16 You should be on Laudenbacher's schedule
17 sometime between now and next March, when our next meeting
18 is, to brief him on where we are at, tell him who we have
19 talked to, et cetera, et cetera. We are not doing that.
20 In March it will be a year, I think, pretty close to a
21 year. The only thing that we've done that I have seen so
22 far is tell him to put money in FORTS and he didn't like
23 it. We have to be careful as a group that we don't start
24 picking out things and start pushing them. We are here to
25 advise where public money is used in this mission.

1 Right now I don't feel like I know enough,
2 because I don't know, but this group should know enough of
3 where it's going, where the issues are. For example, in
4 here it said -- and I forget the relationship -- a core of
5 federally funded surveying capability and a contractual
6 thing. If you remember last time, NOAA put a chart up and
7 it showed cost per survey mile, and I said where the hell
8 did that come from, I want more information, and I heard
9 nothing, nothing. That's important.

10 If you look at the Ocean Commission Report,
11 on Page X it's going to come out, it says, "NOAA's own
12 hydrographic survey capabilities is roughly managed by
13 contacts it maintains with private sector vessels." We
14 haven't talked about that. I think I asked some questions
15 about that, because that's important. What is the cost
16 per survey mile of a federally funded capability as
17 opposed to contractual?

18 CAPTAIN PARSONS: That information, Admiral,
19 was all provided in the KPMG study that was posted on the
20 members only website a week after the meeting.

21 RADM WEST: And I was supposed to do what
22 with that? Is everybody happy with that? Do you-all
23 agree with it?

24 CAPTAIN PARSONS: The Panel asked for a copy
25 of that study.

1 RADM WEST: Were we all happy with it? I
2 don't want to get hung up on this, but I think that's what
3 we are here to do as a group, to advise NOAA; are you
4 making the right decisions, is that the right figure, do
5 you have the right percentage. Then with all that you can
6 go back and say you have X dollars and you're not spending
7 it right. It ought to be this and this and FORTS ought to
8 get this, and this is this, and this is this, and the rest
9 of the stuff is lower priority. We can't do that by just
10 listening to NOAA. We have to go see Commerce. We have
11 to go see ONB. We have to go see the Hill, and we have to
12 do it frequently. That's what we have to do. And you two
13 are going to have to -- you need to go to the Hill and all
14 that stuff and you need to take two or three other folks
15 with you.

16 MS. BROHL: We can't go to the Hill.

17 RADM WEST: Yes, you can.

18 MS. BROHL: To educate but not to lobby.

19 RADM WEST: Well, you're going to go ask
20 questions. You're not lobbying at all.

21 MS. BROHL: To ask questions. I see.

22 RADM WEST: We are a fact finding advisory
23 committee. We have the right to go to the Hill. The
24 fellow right here, you tell him he can use his folks or
25 whoever he wants, and if they go with us, that's fine, and

1 we go say we are the Hydro FACA Services and here is our
2 charter. We are gathering facts, and by the way, you
3 wrote the bill, why did you write it? You know, find out
4 those things. Otherwise we are kind of putzing around
5 with some trivial stuff. Some of the data stuff yesterday
6 was -- I do this every day and that was beyond me. That's
7 for somebody else to take care of.

8 DR. LAPINE: I think that brings up what I
9 was going to say. We are not doing enough work in between
10 the meetings. We can't hope to accomplish our goal on a
11 two-day meeting, three or four times a year. We need
12 subcommittees. What Helen presented yesterday, that
13 should have gone through a subcommittee first. Those
14 words should have been flushed out, put up on a board, and
15 in 30 minutes we could have been done with it with the
16 same results. But we are not doing anything.

17 I commend you for putting that on the
18 website, but I go to the website and it doesn't glare at
19 me that the report was there. So I didn't read the study.
20 It's like we need to be told, I guess, a little more about
21 what's available. And when it gets on the website, a
22 quick e-mail, the report is on the website for those of
23 you interested. But there is a communication gap.

24 We are not doing anything in between. Three
25 months have gone by. We could have done a lot of neat

1 little things, brought them here, discussed them,
2 re-submitted them to the subcommittee if we were unhappy
3 with what we heard or not enough information. The Hill
4 could have been visited. The ONB could have been visited.
5 All that. It's not going to get done in a two-day meeting
6 three times a year.

7 MR. RAINEY: I want to cut it off here,
8 because this is what I want to spend the rest of the day
9 on. If we get into this, we will spend the rest of the
10 day on this and we won't go back and capture what we did
11 yesterday. I want to say that this is the day I was
12 looking forward to, because this is the first day we've
13 had a chance to flush it out. I can talk a lot about a
14 lot of stuff that has been going on and try to point out
15 where I think we need to have some -- how we want to
16 proceed on some issues. I'll explain some of the answers
17 I have gotten back, and I absolutely agree with that,
18 believe me, but the thing that I want the most is for the
19 Panel to be engaged in meaningful work. I have a couple
20 of ideas, and I'm hoping that you-all will jump in and add
21 to that on specific issues and focuses that we need to
22 take, and then maybe Helen can pursue that, and I'll be
23 there all the way on that.

24 So if we can, let's break away here for a
25 minute and go back and pick up from yesterday to make sure

1 pretty accurate on capturing this. The second
2 recommendation, a qualified distributor should be
3 designated -- actually what we decided was that one --
4 that just states exactly the proposed rule, so we were
5 going to drop the first part. What we did on that one was
6 we took the comment -- instead of telling NOAA how we
7 wanted to do it, we got the dialogue with Dave Enabnit,
8 and we said we are just going to put the comment in there
9 that they need to clarify the certification of the
10 distributor, the process, and the product. I think that's
11 what our agreement was, actually, on that one.

12 CAPTAIN MCGOVERN: You're missing one.
13 You're missing the recommendation at the bottom of the
14 first page.

15 MR. RAINEY: Okay. We had a another
16 recommendation there. We'll insert it. That reads, "Move
17 the definition of distributor to Part 996." And, again,
18 we talked about looking into -- there seems to be some
19 inconsistency between the two types that are defined in
20 detail in that regulation, the CED and the CEVAD, and then
21 the more broader term distributor. The second one that
22 was there, what we decided, on the second page if you have
23 the original, we adopted the comment part of what I had
24 listed. "The proposed rule needs to clarify and
25 distinguish between, one, certification of distributors,

1 we have that much covered, because we have to deliver on
2 those things from yesterday. Then we can go right back to
3 pick up on all these comments, and then I'll toss out some
4 ideas and we can just interact on that today.

5 We are going to know a lot more, I think, by
6 the end of day on how we want to proceed, and we can
7 probably have some specific things that I can talk
8 through. Captain Parsons will go through NOAA, what we
9 want to do, and I think we'll have a good idea of how we
10 can move forward.

11 If we can, can we go ahead and put up -- it
12 probably doesn't matter the order, but the things we want
13 to look at would be the certification and quality
14 assurance, whichever one you grab first. What I would
15 like to do maybe is just read through them, and then make
16 sure we have agreement on that and then just kind of move
17 on. This would be certification on distributors for the
18 ENCs. Most of these things I walked right down the paper
19 I had prepared, and we made some edits. But if you want
20 to follow on there, if you can see the board, this is what
21 we have.

22 Recommendation changes, Title Part 995,
23 Certification Requirements for Distributors of NOAA ENCs.
24 I guess just shout out if you have a comment. I'll just
25 kind of read through as we scroll down. I think we are

1 two, certification of processes and, three, certification
2 of the products." That's what we had agreed.

3 CAPTAIN MCGOVERN: And then we added the
4 last recommendation.

5 MR. RAINEY: Right. That's the next one.

6 CAPTAIN MCGOVERN: Well, we just added that
7 sentence.

8 DR. LAPINE: Those aren't the words that I
9 recorded yesterday when we voted on subtitle two.

10 MR. ARMSTRONG: Those were the ones we
11 dropped.

12 CAPTAIN MCGOVERN: Yes. We dropped those.

13 MR. RAINEY: Tell you what. This is
14 ridiculous for you guys to watch me type this. Why don't
15 we do this during the break. We'll come back at this
16 instead of having this dead time here.

17 All right. That was my notes, as to what we
18 had on that. That's a different section. Now, going
19 back, we did move the definition of that one I read just a
20 few minutes ago. All right. Then we had a comment, quite
21 a bit of dialogue that there needs to be clarification
22 between if you're going to allow own use to downloading of
23 an individual and allow own use -- that it's inconsistent.
24 They need to flush out, well, what about a company doing
25 the exact same thing, sort of an equal protection

1 argument. It has different results for the same action
2 based on a class of folks. So that was the recommendation
3 there.

4 We deleted those because we covered it in a
5 different way, and, again, this was going to the comment
6 about using the emblem, using the logo and to have the
7 certification language with it. So we struck those. So
8 the next one --

9 MR. ARMSTRONG: My notes only show us
10 striking the second one.

11 CAPTAIN MCGOVERN: Yeah. I have we voted
12 and carried that the regulation should require any
13 commercially redistributed official ENC or
14 derived product. That was that.

15 DR. LAPINE: We passed that.

16 CAPTAIN PARSONS: Just remove the strike out
17 on that one.

18 MR. RAINEY: The second one was stricken.

19 CAPTAIN MCGOVERN: The second one was
20 stricken.

21 DR. LAPINE: What happened to the copy that
22 Barbara was modifying yesterday?

23 MS. HESS: That was it.

24 DR. LAPINE: The one that you put accepted
25 or approved on the bottom of each.

1 MR. RAINEY: That was on the second one.

2 CAPTAIN PARSONS: I attempted to clean it up
3 this morning.

4 MR. RAINEY: So then you go down, "The
5 Office of Coast Survey should charge fees for all costs in
6 the certification process incurred based on the time and
7 effort involved." The idea there was to eliminate the
8 proposed rule's exception for 90 days, resubmit. The
9 second one was just to simply strike out a redundant
10 sentence that was repeated in two paragraphs.

11 The next one, "NOAA reserves the right, to
12 the extent possible, to recall all redistributed ENCs and
13 derived products that were produced during the period."
14 And we agreed there that that was if there was a problem
15 with a product.

16 CAPTAIN MCGOVERN: That was the one that we
17 didn't want to be stricken.

18 DR. LAPINE: We did not vote on the second
19 one.

20 CAPTAIN MCGOVERN: We tabled that one.

21 MR. RAINEY: Right, the second one. Let's
22 put it in square brackets and save it for now.

23 DR. LAPINE: I won't understand what that
24 bracket is going to mean when we read this months from
25 now. We did not vote on it, so strike it.

1 MR. RAINEY: Yes. It goes away.

2 CAPTAIN MCGOVERN: Well, we tabled it. We
3 discussed --

4 MR. RAINEY: We were going to talk about
5 that today when we bring up the Coast Guard regulations,
6 so it's not a recommendation that would go forward on the
7 federal thing.

8 CAPTAIN MCGOVERN: If we agreed to table it,
9 that means we are going to look at it later.

10 MR. ARMSTRONG: We should probably record
11 that on some separate document.

12 MR. RAINEY: Right.

13 CAPTAIN MCGOVERN: What I'm saying is don't
14 lose it completely.

15 DR. LAPINE: Just strike it out there for
16 right now, so we'll know we didn't vote on it.

17 CAPTAIN MYRTIDIS: I thought we agreed that
18 it was not necessary, the training.

19 MR. RAINEY: Right. There was definitely no
20 consensus. There was a lot of issues, and what we said
21 was we'll take it this afternoon and discuss it later when
22 we look at the Coast Guard Act.

23 This other one was to strike the section on
24 the additional data under the ENC distributor, because by
25 definition they're just redistributing the ENC document.

1 They're not doing the value added. They're not
2 re-formatting.

3 The next one was the new recommendation that
4 wouldn't be on your paper. It came in during the
5 discussions, "To provide an up-to-date listing of the ENC
6 distributors and products." Then the one I eluded to
7 earlier, "The certification statement must accompany the
8 NOAA logo when used on hydrographic products." Do we have
9 agreement now that that's what we have passed? Okay.
10 Great.

11 This is the perfect example of why we really
12 have to do a lot of the work before the meeting, and as
13 painstakingly as we went through all of this yesterday,
14 there is always a chance -- we have to get it exactly
15 right. We just keep working on that. This is the third
16 page of the prepared text. All of the other stuff is sort
17 of background to -- the first two pages are the background
18 references to get to this point. So these are the
19 findings that we walked through yesterday.

20 Now, you'll see the strike outs in square
21 brackets. What that is, is this morning I came in and I
22 updated. So what you have in square brackets is a
23 suggested change to the information agreed upon yesterday.
24 "The" HSRP makes the following findings, that Congress has
25 strengthened it's intent for NOAA to certify hydrographic

1 products," the same as what we had. This was incorporated
2 into the amendment we made yesterday, the next bullet,
3 "That Congress has not directed NOAA to certify privately
4 produced hydrographic products to meet federal nautical
5 charts and publication carriage requirements."

6 The next thing is a change I made this
7 morning. I have grabbed a bullet from below and brought
8 it up into the third position, so this is a proposed
9 change I'm making based on our discussion yesterday. I
10 brought this one up from the bottom. What I'm proposing
11 is we change the order here to have this to read --
12 instead of the therefore I put in that, "That NOAA's
13 proposed rule for the Quality Assurance and Certification
14 Program for NOAAs Hydrographic Products satisfies the
15 current statutory requirement established by Congress."

16 Then the next bullet, if you can scroll down
17 and catch those, that's exactly what we talked about
18 yesterday. We talked about the valid safety reasons for
19 this. I won't read all that, because that is verbatim of
20 what we had yesterday.

21 Please scroll down to the last bullet. I'm
22 proposing this to be responsive to the comment that we had
23 yesterday, "That NOAA should continue to maintain a single
24 official nautical chart for publication when federal
25 regulations mandate carriage." That is my attempt to

1 of it. It's a long document advising them on the
2 Strategic Plan, is basically what we are charted to do.
3 We are going to be doing that continuously. There is no
4 real time pressure to try to get anything in.

5 So the way we left that was, if people had
6 specific motions, if they could reduce it in writing --
7 because there were a lot of good thoughts going around.
8 If we could reduce it to writing and if we wanted to take
9 votes on anything that we wanted to send up at this
10 meeting on the Strategic Plan, we could do that.

11 These were the comments that came in after
12 that request, so these are all new comments. This is not
13 off the prepared thing that I had. So this is from
14 individual members. These are individual suggestions to
15 comment out of this meeting to vote on if we wanted to
16 make these comments on the Strategic Plan. I think we are
17 all seeing these for the first time. I think the best way
18 to do it would be to take them and just read them in order
19 and see if we wanted to vote them up or down. Again, if
20 people have other ones that we want to add to vote up or
21 down on, then we'll do that now.

22 Anyway, the first one here reads,
23 "Hydrographic survey critical backlog cleared up and FORTS
24 installations."

25 MR. GRAY: Critical area backlog.

1 capture the idea that seemed to be the committee's stance
2 that we should endorse that policy to continue. So that
3 is what we passed yesterday with those amendments this
4 morning. We need a motion and a vote to pass that since
5 it has been amended.

6 MR. ARMSTRONG: May I make a comment?

7 MR. RAINEY: Sure.

8 MR. ARMSTRONG: Would it be better to say
9 that NOAA should continue to maintain "the" as opposed to
10 "a"?

11 MR. RAINEY: Sure. Okay. Any further
12 discussion?

13 THE PANEL: (No response.)

14 MR. RAINEY: So do we have a motion with the
15 amendment?

16 MS. BROHL: Motion.

17 CAPTAIN MCGOVERN: Second.

18 MR. RAINEY: All in favor?

19 THE PANEL: Aye.

20 MR. RAINEY: Opposed?

21 THE PANEL: (No response.)

22 MR. RAINEY: So we have that tone. In the
23 order we took the Strategic Plan, and I had some things.
24 We didn't have consensus on that, and the point was
25 made -- my take from that was, this is a ten-year version

1 MR. RAINEY: All right. That's the title.
2 I was trying to see how that was a statement. So I guess
3 the category is what this is talking about, and then the
4 recommendation is, "The HSRP would like to be consulted on
5 setting priorities for spending on Hydrographic services."

6 CAPTAIN PARSONS: I'm sort of confused.

7 MR. SKINNER: My take from yesterday was,
8 these were just all individual comments. She typed them
9 in, and we probably just read the things and summarize
10 somewhere comments instead of voting on each one as it
11 comes along.

12 MR. RAINEY: Let me back up and suggest, why
13 don't we fold these into our discussion today with our
14 charter, where we are moving ahead, the Strategic Plan.
15 Let's fold these in. These might lend themselves to
16 working groups, and then focus moving ahead rather than
17 just grabbing them now to try to see whether we want to go
18 up or down. They probably have a lot of merit, as ideas
19 and things we want to pursue moving forward rather than
20 standing alone as a bullet to the Administrator.

21 MR. GRAY: Could that thing be printed out,
22 because you said you made this from the notes you took
23 from the discussion yesterday.

24 MR. RAINEY: No. This was submitted to me.

25 MR. GRAY: Somebody did anyway.

1 MR. RAINEY: Yes, we can print those. Why
2 don't we do just that, unless there is an objection to
3 that. Let's fold these into our bigger discussion, and we
4 can get those printed out and distributed. So that brings
5 up the IOOS comments.

6 MR. DASLER: Was there more to it?

7 MR. RAINEY: That was for the Strategic
8 Plan, right. That's right, Jon also had a bullet on that.
9 Would that be acceptable to you to print that out with
10 those?

11 MR. DASLER: Yes.

12 MR. RAINEY: This is what we captured, and
13 everything, again, help us along. It's really helpful to
14 make sure we had a consensus with them.

15 This is on the Integrated Ocean Observing
16 System draft plan. I'll read them. "The HSRP supports
17 the development of an integrated and coastal observing,
18 system." Number two, "The HSRP places the highest
19 priority on those components of IOOS that support safe and
20 efficient maritime operations." Three, "Given that
21 authorizing language already exists in the Hydrographic
22 Services Improvement Act which requires NOAA to fund,
23 develop, and maintain real-time observation systems for
24 maritime use, and that NOAA already has a program for
25 Quality Control and Observation Integration, the Center

1 for Operational Oceanographic Products and Services, the
2 HSRP recommends that, A, that NOAA be designated the lead
3 agency for integration of real-time observations carried
4 out by the federal and non-federal partners; B, to the
5 extent practicable, data collected by federal and
6 non-federal partners with maritime applicability should be
7 quality controlled and distributed for maritime
8 operational use; C, To the extent practical, long-term
9 observation systems funded by NOAA research channels be
10 required to quality controlled and available for maritime
11 use; D, HSRP recommends that PORTS and NWLON receive
12 priority funding in support of the federal backbone.
13 Number four, that charting and mapping components be
14 incorporated into the IOOS plan to better address the
15 seven societal goals, in particular, safe and efficient
16 navigation, and increase funding to eliminate the 13-year
17 survey backlog for critical areas."

18 CAPTAIN PARSONS: It is 13 and not 10. I
19 checked on it last night.

20 MR. RAINEY: Five, "The term Coastal be
21 added to the IOOS name to emphasize the importance of the
22 coastal component versus the deep ocean component."
23 That's what we captured from the secretary here. Does
24 that comport with your recollection?

25 DR. LAPINE: Can you go back up just before

1 these four bullets? Right there. I guess we talked about
2 this yesterday. We are talking about maintaining
3 real-time observation systems. So when we go to A, the
4 integration of real-time observation, we are assuming that
5 the reader understands that those are for maritime use. I
6 know we talked about it yesterday, but when you read it
7 and I saw A, I'm thinking, are we going to collect all
8 real-time observations? Do we need to make sure the
9 reader understands we are talking about for maritime use
10 in there?

11 MS. BROHL: It's repeated a number of times.

12 DR. LAPINE: We kept saying it was in number
13 three so we didn't have to repeat it, but for
14 clarification maybe -- I don't know. I'll defer to the
15 rest of the group.

16 MR. ARMSTRONG: Can I offer a suggestion
17 that in the last sentence we say that NOAA already has a
18 program for Quality Control and Observation Integration,
19 then comma, HSRP recommends for such observations that --

20 MS. BROHL: Yesterday we did eliminate cost,
21 because we didn't want to be so repetitive.

22 MR. ARMSTRONG: Right. I'm just saying
23 recommends for such observations, one, two, three, four,
24 and then it more clearly says that what we are talking
25 about are these observations.

1 DR. LAPINE: I only brought it up because
2 yesterday I thought I understood it until Scott read it
3 again, and then it sounded more broad based than it really
4 is.

5 CAPTAIN HICKMAN: I think that would work if
6 you inserted the wording.

7 MS. BROHL: The HSI is very specific. It
8 says specifically for maritime use.

9 CAPTAIN PARSONS: Put it in and then get
10 suggestions after that and see how it reads.

11 MS. BROHL: The HSRP recommends for such
12 operations that --

13 MR. RAINEY: Such observations.

14 MS. BROHL: Observations. Sorry.
15 I would suggest to get rid of the parentheses with CO-OPS
16 in it just so it's not restrictive, because CO-OPS may
17 grow, it may change.

18 DR. LAPINE: Actually, I have an objection
19 to putting CO-OPS in there, because I think there are
20 other people collecting and validating real-time maritime
21 service data.

22 MS. BROHL: I was proposing to take it out.

23 DR. LAPINE: All right.

24 MR. SZABADOS: I'm just curious, who does
25 that?

1 DR. LAPINE: The National Geodetic Survey
2 quality controls all of the Coast Guard's real-time
3 differential systems.

4 MR. SZABADOS: GPS, I was talking about
5 the --

6 DR. LAPINE: That is a real-time navigation
7 service.

8 MR. DASLER: How about real-time ship
9 observations at sea?

10 MS. BROHL: As maritime use?

11 MR. DASLER: Yes. That would qualify, I
12 guess.

13 MR. RAINEY: Should I read it again?

14 MS. BROHL: Yes.

15 MR. RAINEY: Number three, "Given that
16 authorizing language already exists in the Hydrographic
17 Service Improvement Act, which requires NOAA to fund,
18 develop, and maintain real-time observation systems for
19 maritime use, and that NOAA already has a program for
20 Quality Control and Observation Integration, the HSRP
21 recommends for such observations that -- "

22 MS. BROHL: One thing is, I think it's
23 probably better to say Hydrographic Services Improvement
24 Act of 2002, because it was implemented in 1998, so we
25 might want to specifically say of 2002.

1 MR. RAINEY: How about if we say of '98 and
2 its amendments. That will give us the source and carry it
3 all the way through. Would that be okay?

4 MS. BROHL: 1998 as amended? It is commonly
5 referred to as the Act of 2002, so as long as --

6 MR. RAINEY: For this one, this particular
7 one, because you are talking about specifically where it
8 was required.

9 MS. BROHL: Yes.

10 MR. RAINEY: Yes, that's more accurate.

11 MS. BROHL: Then do we want to say, where it
12 says maritime, that NOAA already has a program for Quality
13 Control and Observation Integration under NOS?

14 MR. RAINEY: My preference would be to leave
15 it at NOAA.

16 MS. BROHL: Okay.

17 MR. RAINEY: One more time or do we want to
18 make a motion?

19 MR. SZABADOS: Under B, "To the extent
20 practical, data collected by federal or non-federal
21 partners with maritime applicability should be quality
22 controlled and distributed for maritime operational use by
23 NOAA," I think it should be specified by NOAA. That
24 implies a common standard. At the very end of B I would
25 say by NOAA.

1 MR. SKINNER: Quality controlled and
2 distributed by NOAA for maritime operational use.

3 MR. SZABADOS: At the period, at the very
4 end.

5 MR. RAINEY: One of the things I didn't
6 appreciate was the distinction between B and C. Are they
7 two necessary and distinct thoughts? The difference in C
8 being, we are talking about a long-term observation
9 system, is that somehow different than what we are saying
10 in B?

11 MR. ARMSTRONG: It does seem to be the same
12 thing.

13 CAPTAIN MCGOVERN: I thought the distinction
14 was, we are looking at a system that traditionally we are
15 not fed into the operational end, and we are saying here
16 that we want them to be if it's possible. The money being
17 spent to collect this data, why can't it be -- because if
18 you look at the -- B is just going to say to me that's
19 looking at the stuff that's already up there. It's the
20 stuff with marine applicability, okay, fine, but I think C
21 is kind of bringing in a new thought there.

22 MR. RAINEY: I guess I just don't understand
23 what we are saying in C, because when we go back -- can we
24 scroll back up to three? We just made it very clear we
25 are talking about -- when we say such observations, the

1 thing I didn't understand -- I don't know if it does any
2 harm, but I don't understand what we're saying in C when
3 we say long-term -- we are talking about real-time
4 maritime observation systems. What is a long-term
5 observation, long-term observation system in the context
6 of a real-time observation system for maritime use? What
7 does that mean?

8 MS. BROHL: Let me explain, if I can. Long
9 term had to do with -- one, C is different than B because
10 B, as Andy said, is really almost like what's existing.
11 C is to emphasize that its research programs are more and
12 more developed and involved in observation systems, and
13 that we want NOAA to be thinking about how to value add
14 those by where it's appropriate to quality control them
15 and have them be available for maritime use.

16 The term long term only has to do with
17 understanding that short-term projects are probably not
18 worth the time and energy and effort it takes to quality
19 control them and run them through CO-OPS. So the term
20 long term has to do with those that we think are going to
21 be long term, because making a short-term research project
22 jump through those kind of hoops doesn't seem very
23 practical. So that term long term is specifically really
24 to the practical side of asking someone, who is just doing
25 a six-month research project to a year, go through all

1 those hoops when it may not be really --

2 MR. RAINEY: So it captures the idea of
3 taking research to apply to data testing through an
4 operational system? That's the idea of long term?

5 MS. BROHL: Yes. And actually on the front
6 end, and the emphasis between B and C is specifically --
7 it's like a subset of B, that whether you can, whether
8 it's federal or non-federal, it would be great to have
9 those quality controlled and run through a central data
10 base through NOAA and available for maritime use.

11 But to emphasize that in particular there may
12 be research projects that are going to be underway for
13 observations systems or are underway, and they look like
14 they're long term, there is a long-term investment in
15 there -- in particular, GOMCOS is a great example. It's a
16 long-term observation system. It wasn't meant to be a
17 fly-by-night or just a sort-term research project.
18 Fly-by-night is a bad term. I don't mean it. But it
19 wasn't meant to be just a short-term research project. It
20 was really meant to be a long-term investment in an
21 observation system in the Gulf of Maine. That's a great
22 example of what kind of project you would want to have
23 channeled. So it's to be very specific to say the word
24 research separate and apart from B.

25 The term long term, long term doesn't really

1 matter because you have to be practical. It may not be
2 practical or realistic, and whoever is doing the
3 integration, such as CO-OPS, would say, I have to tell
4 you, it's just not worth the time and energy to integrate
5 this because it's going to be gone six months anyway. So
6 the long term, that was strictly relating to what's
7 practical and not practical. However, it says to the
8 extent practical, observation systems funded by NOAA
9 research channels -- you know, if it works, we would like
10 to see them quality control the data for maritime use.

11 So I'm defending keeping "the" in, but the
12 term long term, if that's confusing and unnecessary, take
13 it out.

14 MR. RAINEY: We have made those edits. Any
15 further discussion?

16 MR. SKINNER: Are we leaving in long term
17 or --

18 MS. BROHL: If you found it confusing,
19 someone else may.

20 MR. SKINNER: I didn't necessarily. It
21 seemed to be a little bit cleaner to take it out and then
22 you're sort of capturing more.

23 CAPTAIN MCGOVERN: I make a motion to drop
24 long term.

25 MR. SKINNER: Second.

1 MR. RAINEY: We have a motion to drop long
2 term and a second, so in favor of the motion of dropping
3 the qualifier long term, all in favor?

4 THE PANEL: Aye.

5 MR. RAINEY: Opposed.

6 THE PANEL: (No response.)

7 MR. RAINEY: That carries, so then that's
8 where we are. Was there further discussion? Do we
9 entertain a motion to cast that as written?

10 MR. SKINNER: Is that number three or the
11 whole thing?

12 MR. RAINEY: The whole thing. I'm happy to
13 do this however you want to do it. I want to make sure
14 that --

15 MR. SKINNER: Because I had something on
16 five I think. This is something that I felt strongly
17 about in terms of the concept which is the term coastal,
18 but I think Admiral West raised a good point when he said
19 what is coastal. You don't mean you want them in a salt
20 marsh or something for this group, even though some groups
21 might. It may be that -- and I don't know if we want to
22 use whatever capital we have in an actual name change, but
23 what we do want is a greater emphasis on the near shore
24 rather than deep water.

25 Again, this is something I feel strongly

1 about. I support the concept. It's how do we get the --
2 what is it we are really after here? Is it the name
3 change itself or is it putting the buoys where they are
4 most valuable for navigation? And if that's the case, I
5 would have it read something to the effect that a greater
6 emphasis of IOOS be placed on near shore data collection
7 or something like that.

8 MR. RAINEY: Is there a comment on what Tom
9 said or --

10 MR. GRAY: Are you talking about the whole
11 thing?

12 MR. RAINEY: Tom raised a point about number
13 five. If you have a comment on what Tom said, I would
14 like to deal with that and then we'll --

15 MR. GRAY: I had a comment on the whole
16 thing.

17 MR. RAINEY: Further discussion on Tom's
18 point about the --

19 MS. BROHL: I like what you said, but to add
20 to means the maritime -- you know, to address the maritime
21 component, because clearly changing the IOOS name is, like
22 you said, it's a lot quicker for somebody to change their
23 stationary, and as Captain Parsons said yesterday, does
24 anybody really believe that the IOOS plan doesn't address
25 coastal, it does. It clearly addresses coastal. We are

1 just trying to put an emphasis on the near shore component
2 to support the maritime, the goal of safe and efficient
3 maritime operations.

4 MR. RAINEY: Can you dictate us something,
5 Tom, we can vote on?

6 MR. SKINNER: Can we come back to it?

7 MR. RAINEY: All right. Let's go ahead and
8 do that real quick. Bill Gray had an overall comment.

9 MR. GRAY: I can't quite remember what the
10 front of it said, but I can see the back end of it. It
11 strikes me that we are mixing procedural details with some
12 standard results that we like, because -- wait a minute,
13 go back to the back end of it. D, "We recommend FORTIS and
14 NWLON receive priority funding in support of the federal
15 backbone." That's a paper by itself or it's an issue by
16 itself, the results that we want and recommend and the
17 funding to be done to achieve it.

18 All of these other things are just
19 procedural steps to make sure the quality control is
20 there, and it varies the point that we really like to get
21 across totally. That's the reason I think I said
22 yesterday, whether it's under this issue or the other
23 issue, what are the results that we really like to see
24 achieved with the products that NOAA produces, NOS
25 produces, excuse me.

1 It's all well and good to spell out a whole
2 bunch of details about how this will be handled and how
3 this will be handled and so forth, but I'm more concerned
4 with what the result is. Leave the managing of these
5 details to the executives that are running these things.
6 I agree we can put them down on paper, but to me we'd be
7 burying the most important part in a paper that is
8 procedural in nature.

9 MR. RAINEY: This doesn't address exactly
10 your concerns, Bill, on this document, but one of the
11 things, one of the subcommittees that I was going to toss
12 out as an idea, and what I have done is -- we'll get to
13 that here soon, is a Modeling and Observation
14 subcommittee.

15 Some of us, my sense is, are extremely
16 interested in IOOS and others are not, and that will be a
17 suggested focus group or working group, whatever we decide
18 to call it, with some ideas. And Dr. Spinrad has sent us
19 some of his strategic issues he would like some advice on
20 that could be work carried forward, and the type of white
21 paper that you're talking about, I would think, is one of
22 the products that that focus group could bring to the
23 Panel and then we would pass it along.

24 Today the challenge for us, if this is our
25 opportunity, is to submit something in this one particular

1 public comment period on this document as sort of a
2 snapshot of where it is as a draft, the implementation
3 plan. The comment period was extended. We just had this
4 one window, so this is going to be our ability to comment
5 just this one time, but it won't be our last and only
6 chance to comment on the system.

7 MR. GRAY: That's the important question to
8 me, because like I said, I can support this thing the way
9 it's been developed. I can see it's useful, probably, and
10 so forth, but to me it's two separate things. I learned a
11 long time ago -- and it's true in engineering -- that it's
12 better to be approximately right than exactly wrong. I'm
13 curious about what the first two numbers are.

14 RADM WEST: This is going to Ocean.U.S.,
15 right?

16 MS. BROHL: We can't do that, can we? Don't
17 we have to give it to the Administrator?

18 MR. RAINEY: I believe how we would do it
19 would be to submit it to NOAA, but ultimately, yes.

20 RADM WEST: My suggestion to you then, if we
21 talk about specific programs like FORTIS and water levels,
22 if we say to them that it should be a key component of the
23 federal backbone, and then if the document that you send
24 is strictly to NOS and NOAA, then you should fund it as a
25 key component. But to tell IOOS to fund it is not

1 appropriate. It's just our opinion that FORTIS and NWLON
2 should be key components of any federal backbone we write,
3 period. And then the issue about how we are funding it --

4 MS. BROHL: I think that's a good technical
5 point.

6 MR. RAINEY: That's a good point.

7 RADM WEST: If we took FORTIS and we jammed
8 it up somebody's nose and they got a little -- it was the
9 right thing, we'll make it right, and this is how to do
10 it. We and the experts have said that's a key component
11 of the federal backbone. We all agree. So IOOS, make
12 sure it's part of your design. Now that we've said that,
13 NOAA, you can't be a key component unless you fund it.

14 MS. BROHL: That's a technical point. We
15 can't say to Ocean.U.S to fund it.

16 MR. RAINEY: Let's not get too many things
17 in play at the same time. We are proposing to strike five
18 as written with the amendment that the IOOS plan should
19 emphasize the importance of near shore observations to
20 support safe and efficient maritime operations.

21 MS. BROHL: The other side to that is, in
22 that -- and I didn't want to belabor it, but the way that
23 reads, it makes it sound like only the deep ocean
24 component is meaningful to the global observing component.
25 And I thought, well, why isn't the coastal component also

1 meaningful to the global component, and that bothered me
2 when I read it.

3 You have two components. The global ocean
4 component and the coastal component. What does that mean?
5 Shouldn't it be deep ocean versus coastal, and if it is,
6 then are they implying that only the deep ocean component
7 is meaningful internationally or in the big global
8 perspective? So my concern here was that the coastal
9 component, they imply, only has local U.S. value. I don't
10 think that's correct. I think it's all part of a big
11 system.

12 My concern was then, if you tie this into
13 international stuff and our need to be engaged
14 internationally, then does that diminish the coastal role
15 somehow when it comes back to funding or comes back to
16 perception? Maybe I'm carrying it way too far, but I
17 still felt after reading that, that, you know what, it may
18 not hurt to say the global ocean component is a really
19 neat thing, but let's make it clear that -- again, there
20 are two dollars on the table, and it's -- you know, I'm
21 going to say coastal first because that's meaningful to me
22 today. It does, but we are also trying to talk about an
23 emphasis here.

24 MR. SKINNER: Just to add to that,
25 regardless of what's in the plan, there is a definite

1 say maritime operations to Ocean.U.S., the better.

2 MR. DASLER: I think the point you want to
3 make is it's both deep ocean observations -- I mean, all
4 of it plays into the same system.

5 CAPTAIN HICKMAN: But I think we are trying
6 to emphasize the fact that global is -- when you read it,
7 near shore seems to be the one that they're missing. So
8 if we emphasize both again, we are kind of missing the
9 point we were trying to make. I don't think we are
10 limiting it with this phrase.

11 MR. RAINEY: So what we have, the ICOS plan
12 should emphasize the importance of near shore observations
13 to support safe and efficient maritime operations. Any
14 discussion? There is a motion and a second, so all in
15 favor?

16 THE PANEL: Aye.

17 MR. RAINEY: Opposed?

18 THE PANEL: (No response.)

19 MS. BROHL: So now we have to go back to D
20 and address the Admiral's comments, which I think are well
21 taken. HSRP recommends that FORTIS and NWLON receive a
22 priority consideration as essential to the federal
23 backbone as a key component -- recommends that FORTIS and
24 NWLON be a key component in support of the federal
25 backbone -- as essential to the federal backbone?

1 greater, I think, greater focus on the deep ocean in the
2 ICOS community rather than the near term. In speaking
3 from my former position where we are trying to get buoys
4 closer to shore, you need all the support you can to do
5 that, even if it's in the plan. So I think this just sort
6 of says that we are on record as saying we want the near
7 shore covered too.

8 MS. BROHL: It's just a reminder. I don't
9 push this word because of a global thing without keeping
10 the coastal aspect.

11 CAPTAIN MCGOVERN: I have a motion to
12 replace the wording of five with the new language.

13 CAPTAIN HICKMAN: I'll second it.

14 MR. RAINEY: Further discussion? Let me
15 throw one comment in. Are we limiting ourselves, the
16 effect of our emphasis by saying maritime operations? Do
17 we want to even get into the fact that ICOS is a bigger
18 thing looking at those seven societal goals, or can we say
19 for maritime operation, because that's where we live and
20 that's our point we want to make.

21 MR. SKINNER: I would say that definitely
22 ICOS should be covering other things, but if this group is
23 concerned with safe and efficient maritime operations, why
24 not say it.

25 MS. BROHL: I think the more time you can

1 Admiral, we are going through D.

2 ADM WEST: Sure.

3 MR. RAINEY: Let's start here. We are going
4 to start out with, HSRP recommends that FORTIS and NWLON
5 are key components of the federal backbone.

6 ADM LARRABEE: Are we saying they are not
7 currently making FORTIS -- that coastal systems is a key
8 component of the federal backbone? Is that what we are
9 saying?

10 MS. BROHL: No. It's actually asking them
11 to be more clear and concise about it. They certainly
12 indicate that FORTIS and NWLON and a lot of other things to
13 be a part of the federal backbone, but we want to make
14 sure that it's very clear and concise. Recommends that
15 FORTIS and NWLON be clearly stated as key components.

16 MR. RAINEY: Or identified as key
17 components.

18 MS. BROHL: Yeah, are clearly identified as
19 key components.

20 ADM LARRABEE: Or we can even say this
21 group recognizes the importance of -- as a key component
22 of the federal backbone.

23 MS. BROHL: We change it so the Panel
24 recognizes that.

25 ADM LARRABEE: We do want them to emphasize

1 it, right? We are actually asking them to do something.

2 MS. BROHL: Recognize that PORTS and NWLON
3 are identified as key components of the federal backbone
4 and asks that be --

5 MR. RAINEY: How about recommends that --
6 well, again, then we get into the trap of NOAA versus
7 ICOS.

8 CAPTAIN MCGOVERN: As the Admiral said
9 before, we can say this. This goes to Ocean.U.S., and
10 then we go back to NOAA and say for the funding part.

11 RADM LARRABEE: Don't talk about the
12 funding. What I think Helen is saying is that we want
13 them to emphasize that it's identified as a key component.
14 We're suggesting now that they're not.

15 MS. BROHL: They're trying to look at all
16 the federal partners, and Dr. Spinrad did acknowledge that
17 it's -- they are trying to get all the federal partners to
18 identify how, why, when, and where they might be willing
19 to integrate, because everybody -- you know, sometimes
20 there are territorial issues, competition and all of that.
21 And they even said that after their implementation
22 workshop at the end of August, beginning of September,
23 that one of the outcomes was that they had not outlined or
24 identified the way that the federal backbone, the federal
25 side of this would be completed, partly because we have so

1 many different groups and different ways to handle things.
2 You are trying to get a lot of people together, and it
3 hasn't happened.

4 As a result, I think the ICOS plan is trying
5 to think about all those people, and it kind of talks a
6 little bit about PORTS and NWLON, and there are all kinds
7 of other stuff. We are specifically saying -- we are
8 clear we want NWLON and PORTS right up front as one of the
9 bases. Maybe they are concerned to put that as such a
10 specifically NOAA component as compared to anybody else,
11 but we don't care. Damn the torpedoes, we want it clearly
12 PORTS and NWLON as a key component and identified as such.
13 So after what I just said, if there is a way to --

14 RADM LARRABEE: Recommends that PORTS and
15 NWLON are identified as a key component.

16 MS. BROHL: Recommends and are identified as
17 such in the ICOS plan.

18 RADM LARRABEE: Recommends all PORTS and
19 NWLON are identified as key components.

20 MR. GRAY: We have changed this thing
21 entirely from what it was. I don't care whether it gets
22 into ICOS or not as long as it gets adequately funded and
23 used and be available as soon as possible. Just like
24 critical navigational area surveys, I want those done. I
25 don't care about ICOS.

1 MR. RAINEY: I think that goes back to
2 Admiral West's point. We are going to take this -- this
3 is our shot at ICOS. If it's going to happen, we want to
4 be in the ball game. Here's what we have. HSRP
5 recommends that PORTS and NWLON are identified as key
6 components of the federal backbone. Any further
7 discussion?

8 THE PANEL: (No response.)

9 MR. RAINEY: Motion?

10 CAPTAIN MCGOVERN: Motion.

11 RADM LARRABEE: Is that strong enough?

12 CAPTAIN HICKMAN: I think it's clearly
13 stated.

14 MR. RAINEY: That's the issue. I mean, if
15 we recommend that, that they're key components --

16 MS. BROHL: Are we making it clear that not
17 only do we want them identified as key components, but
18 recommended by Ocean.U.S. that they be put on the fast
19 track to be implemented or expanded, that they be in the
20 first phase of integration efforts of creating an ICOS?

21 MR. SZABADOS: Given a priority --

22 MS. BROHL: Given a priority for
23 implementation in the plan.

24 MR. RAINEY: I suggest maybe putting the
25 word priority in front of the word key.

1 MS. BROHL: It should be given priority at
2 the end. So it should be at the end.

3 MR. RAINEY: All right. That works.

4 CAPTAIN MCGOVERN: I hate to do this, but
5 very plain and simple, just to give that more punch, take
6 it out of that as a sub bullet and make it its own
7 recommendation.

8 MS. BROHL: Make it E?

9 CAPTAIN MCGOVERN: No. Take it out of D and
10 make a new four. In other words, make it a separate --
11 you know.

12 MS. BROHL: Well, the reason I would say
13 don't bother is because the reason we are mentioning it in
14 PORTS and NWLON again is that it can take a priority,
15 because it already has authorizing language to go forward.
16 There is an ICOS plan. There is authorization for PORTS
17 and NWLON. So, by God, push it ahead. You can do it.
18 Make it a priority and push it ahead.

19 CAPTAIN MCGOVERN: Leave it. I withdraw my
20 suggestion.

21 MR. RAINEY: Let's read it and see where we
22 are. "HSRP recommends that PORTS and NWLON are identified
23 as a key component of the federal backbone and be given
24 priority in ICOS implementation plan."

25 RADM LARRABEE: I think the point that we

1 are saying here is that you already have these tools, make
2 sure these tools are working before you add more tools to
3 the tool box. If you take this grand ICOS plan and make
4 it a component and by themselves are not credible, what do
5 you have at the end? And particularly for an agency that
6 doesn't have all the resources that it needs, that we
7 ought to be helping them sort of develop a strategy for
8 creating a system.

9 MS. BROHL: I think that as this started --
10 to some extent, after having talked to Tom Malone who runs
11 Ocean.U.S, they really didn't see what FORTS was and NWLON
12 really was. They kind of knew there was a federal
13 backbone and some stuff going on, but when we started to
14 say, well, you know we have a bird in the hand, and that
15 bird in a hand is we have authorization from FORTS and
16 NWLON -- you know, that can be a really good base by which
17 you do all your other observations. And it was like, oh,
18 okay. I don't think it was intentionally trying to ignore
19 this, but in raising it, it certainly puts their case to a
20 lot of the witnesses that have testified at the hearing in
21 July. They just weren't aware. So it's helping them
22 combat.

23 After the workshop they did go back and kind
24 of add the term maritime in the plan. But because it was
25 four years down the road in creating this plan, it doesn't

1 pieces on it. We got it down. What I would like to do is
2 just go through as quickly as we can. I think we have it
3 right here, the number of the recommendations, and we'll
4 just carry through. Again, we are going back to take
5 another swing at the comments on the ENC distribution.

6 Recommendation one, "Change the title to
7 Part 995, Certification Requirements for Distributors of
8 NOAA ENCs." I would like to go through and just -- let's
9 go through them, and if you have a problem we'll stop it
10 and try to deal with it.

11 Recommendation two, "Move the definition of
12 distributor to Part 996 and clarify why a distributor must
13 redistribute a NOAA Hydrographic Product in its original
14 format, yet a Certified NOAA ENC Value Added Distributor,
15 presumably a subcategory of that, can redistribute a
16 formatted NOAA ENC."

17 Three, "The proposed rule needs to clarify
18 and distinguish between, one, the certification of
19 distributors, two, certification of processes, and, three,
20 certification of the products, whether it's official
21 status or whether the product meets federal chart carriage
22 requirements or not. The ultimate user must be able to
23 readily determine whether or not a hydrographic product is
24 suitable for navigation that meets federal chart carriage
25 requirements."

1 have the punch we might want it to have. So that's what
2 we are trying to do.

3 MR. RAINEY: Can we call the question in on
4 the document or is there need for further discussion? Do
5 we need another reading?

6 MS. DICKINSON: I move we adopt the whole
7 thing.

8 CAPTAIN MCGOVERN: Motion.

9 MR. RAINEY: Second?

10 MR. SKINNER: Second.

11 MR. RAINEY: All in favor?

12 THE PANEL: Aye.

13 MR. RAINEY: Opposed?

14 THE PANEL: (No response.)

15 MR. RAINEY: Okay. Thank you very much.
16 How about if we go ahead and take a break here and then
17 we'll come back and get into the particulars.

18 (Whereupon, a brief recess was taken.)

19 MR. RAINEY: We are going to come back and
20 wrap up from yesterday, and I think it's particularly
21 important that we have exactly how we want these
22 recommendations. We just went through a drill. What we
23 did is we integrated our data here. We had some bits and
24
25

1 Recommendation four, "Qualified hydrographic
2 products, in this instance ENCs or SENCs, should be
3 designated a Certified NOAA ENC or in the case of a
4 Certified SENC should -- I'm sorry -- should clearly
5 indicate that the product meets federal carriage
6 requirements for nautical charts." Let's talk about that
7 one.

8 CAPTAIN MYRTIDIS: If we remove the word
9 certified from the System ENC and say for in the case of a
10 System ENC --

11 MR. RAINEY: Yes. I think that's the
12 problem. We need to delete certify. We had a good
13 discussion yesterday about whether that would be a
14 certified product. The suggestion is to delete the word
15 certify before SENC.

16 CAPTAIN MCGOVERN: I have a recommendation
17 for a regulation to treat the downloading and use of
18 official ENCs between individuals and entities.

19 MR. RAINEY: I think that is the next --

20 CAPTAIN MCGOVERN: I have that as number
21 four.

22 DR. LAPINE: I have it that we grouped three
23 little things together into one motion.

24 MR. RAINEY: When we pulled this up this
25 morning, we had a couple of different files that were

1 different in a couple of instances. I think at issue was
2 whether or not we, in fact, approved this recommendation
3 before we talked about it a great deal. And the issue
4 was, and this is my trouble that I had with the SENC
5 definition, in the first paragraph under Purpose and Scope
6 of the regulation it defines an SENC as a product.

7 CAPTAIN MCGOVERN: What you have as
8 recommendation four we dropped. That's the one where we
9 took your comment -- we dropped that one.

10 MR. RAINEY: All right. Let's go ahead then
11 and drop that out.

12 CAPTAIN MYRTIDIS: It was only the first
13 part that we dropped.

14 CAPTAIN MCGOVERN: These two, and we put
15 these two together.

16 DR. LAPINE: On mine I got that we took A
17 and B and the next -- one and two, and those
18 recommendations were all passed as one.

19 CAPTAIN MCGOVERN: Up here we took this and
20 that, and we dropped these two.

21 MR. RAINEY: What I would like to do at this
22 point -- would you please give me that as a motion and
23 then we'll revote it.

24 CAPTAIN MYRTIDIS: If you just combine
25 this --

1 CAPTAIN MCGOVERN: Yes, but if you read
2 recommendation four, what's in there is crossed out.

3 MR. RAINEY: Can you give me what you have
4 and we'll put that in, and then we are going to go through
5 all this and vote it so there won't be any problem that we
6 didn't, you know, have agreement. I just want to try to
7 expeditiously get this on here.

8 CAPTAIN MCGOVERN: Here. It's all there,
9 and if you look at Andy's, it's the same.

10 MR. RAINEY: You're going to have to explain
11 this. I have already added that one. The recommendation
12 four here is deleted, is what you're saying.

13 CAPTAIN MCGOVERN: That's what we voted on
14 yesterday.

15 CAPTAIN HICKMAN: Did it come up elsewhere?

16 MR. ARMSTRONG: The wording was messy so we
17 thought we would just leave the comment as the
18 recommendation.

19 MR. RAINEY: Let's go ahead and delete that
20 and bring up the next one. Obviously it will be
21 renumbered. Let's not worry about changing that now.
22 We'll get the numbering right.

23 So starting with five here, "Regulation
24 should treat the downloading and own use of official ENCs
25 between individuals and entities the same. The proposed

1 rule mandates different outcomes for the same procedure
2 simply because of who performed it." That's the
3 recommendation --

4 CAPTAIN MCGOVERN: You got my paper now.

5 MR. RAINEY: I know it.

6 Six, "The regulation should require any
7 commercially redistributed official ENC or derived product
8 from an uncertified entity to affirmatively notify the
9 user that the product does not meet federal chart carriage
10 requirements." Okay. "The Office of Coast Survey should
11 charge fees for all costs incurred based on the time and
12 effort involved. There should be no exception for
13 resubmissions of revised requests that were initially
14 unacceptable and are sent in within 90 days."

15 CAPTAIN PARSONS: I would like to suggest
16 that you just change that to NOAA, because it is NOAA that
17 will be charged with --

18 MR. RAINEY: Okay. There is a proposed
19 rule -- it starts talking about OCS in that section.
20 Okay.

21 Seven, "Strike redundant sentence, NOAA
22 reserves the right to audit certified distributors."

23 Eight, "NOAA reserves the right, to the
24 extent practicable, to require the recall of all
25 redistributed ENCs and derived products that were produced

1 during the period of non-compliance as determined by the
2 NOAA audit."

3 Nine, "NOAA can and should properly require
4 training and education materials to be provided, but
5 cannot regulate that CEDs or CEVADs shall ensure that the
6 recipient has a sufficient level of knowledge. This would
7 require some form of testing on criteria that has not been
8 established." Again, we talked it and we'll talk later
9 about the Coast Guard issues.

10 Last, "Strike all of section (a) (4)
11 additional data." I won't put in the cite there. When we
12 pulled that out, I pulled out the context of that, so we
13 need to specifically -- that is talking about under the
14 CED, the Certified ENC Distributor who by definition can
15 only redistribute the NOAA official product. The comment
16 was that that's a nonapplicable language, so we'll have to
17 add in there the exact cite. I'm looking at that now.

18 CAPTAIN MCGOVERN: You lost two
19 recommendations.

20 MR. RAINEY: Well, 11 and 12, I think that's
21 where that ended, so what do you have?

22 CAPTAIN MCGOVERN: It was on the website and
23 then the --

24 MR. RAINEY: You're right. We have a couple
25 of files here. All right. We'll conform them so that

1 they will follow sequentially. So they will read -- and,
2 again, we'll conform the numbers and all that. There will
3 be two more.

4 Recommendation eleven, "Provide an
5 up-to-date listing on the OCS website of Certified ENC
6 Distributors and their certified products."

7 Recommendation twelve, "A certification
8 statement must accompany the NOAA logo when used on
9 hydrographic products." Is there a motion on the full
10 slate of the recommendations?

11 DR. LAPINE: So moved.

12 MR. SKINNER: Second.

13 MR. RAINEY: Any further discussion?

14 THE PANEL: (No response.)

15 MR. RAINEY: All in favor?

16 THE PANEL: Aye.

17 MR. RAINEY: Any opposed?

18 THE PANEL: (No response.)

19 MR. RAINEY: Okay. Thank you very much.

20 DR. LAPINE: Just make sure you number those
21 eleven and twelve.

22 CAPTAIN PARSONS: If I could just make one
23 administrative comment, I think a lot of you are aware
24 that a third of this Panel were appointed to two-year
25 terms. Four members appointments expire a year from now,

1 next December, and one member, I think, Larry, who was
2 appointed a little later in the March time frame. I'm
3 going to let you know that there is going to be a Federal
4 Register announcement going out probably in December
5 soliciting nomination for five more members to serve four
6 year terms. Those individuals, Tom Skinner, Sherri
7 Hickman, Minas Myrtidis, Larry Whiting, Jon Dasler, were
8 the members appointed initially to two-year terms. That
9 does not preclude those individuals from re-submitting
10 nominations if they wish to serve on a subsequent
11 four-year term starting next December. I just wanted to
12 give you a heads-up. You will be seeing the Federal
13 Register going out probably in December and it will be
14 left open for a 45-day period.

15 CAPTAIN MYRTIDIS: Will you let us know when
16 it's --

17 CAPTAIN PARSONS: We'll send you a copy,
18 notify you when a copy of that register goes out.

19 MR. RAINEY: Thanks for this morning. What
20 I would like to do then in the next few minutes is to talk
21 about some of the issues we started into this morning, a
22 little bit of question and answer, and the understanding
23 I've gotten between the last meeting and working through
24 Roger and the Department of Commerce. Some of the things
25 I would just like to refer to are going to be included

1 under Tab A, some of the administrative things. Then
2 where we'll go from here is just to toss out some ideas
3 about how to move forward and how we can best function.

4 Now that I said that, it looks like I moved
5 all of my materials out of -- what I want to talk about --
6 apparently I grabbed -- here we go. Just going by what
7 you have in there, these are the bylaws. They're on the
8 website, and that's how we got them. They've been
9 approved, and so those are our bylaws as they stand.
10 Captain Parsons just covered the information there under
11 Tab 3 about our terms.

12 Can I jump you to tab -- let me skip over
13 four for a second and jump you to Tab 5. Can you explain
14 what that is shortly?

15 CAPTAIN PARSONS: Yes. There was a question
16 during the last nomination appointment procedure
17 concerning the emoluments clause in the constitution which
18 essentially says that employees of the federal government
19 cannot receive compensation from a foreign government.
20 That unfortunately knocked one of our nominees out who was
21 a Canadian citizen under contract of a foreign government
22 receiving compensation.

23 That has not changed, but what the General
24 Counsel -- and this is just a minor administrative issue,
25 but what General Counsel will do, when they send out the

1 package of materials on financial disclosure statements,
2 beginning next year will be a form for you to sign, which
3 essentially says that you are not receiving compensation
4 from a foreign government, if, in fact, that's the case.

5 MS. BROHL: So even independent contracts
6 not related to this are included?

7 CAPTAIN PARSONS: They could be, and they
8 would be looked at on a case by case basis. It's just the
9 General Counsel's reiteration of that clause, nothing that
10 we had asked for. This came in the mail a couple of weeks
11 ago. It's sort of a restatement of their position.

12 MR. RAINEY: All right. Can I back you up
13 to Tab 4 for a second. I'm not going to painstakingly go
14 through this. I want to just touch on it briefly. I have
15 been looking into trying to find out how we operate in
16 researching this back a little bit.

17 The General Service Administration maintains
18 that data base on all FACA committees for the federal
19 government. There is an annual report that's required
20 that the agency that is sponsoring files with GSA. So I
21 asked to get a copy of basically our report card after our
22 first annual report, and that's included in there. I just
23 want to make a couple of -- I want the Panel to be
24 generally aware of what the administrative oversight back
25 end of this looks like. I just wanted to share some

1 concerns I have with you, and many of you touched on it
2 this morning.

3 There is this data base and there is
4 oversight, and there are very -- you'll see in there,
5 there are very specific questions that are asked to kind
6 of -- what is the performance measure of the committee
7 itself. I was concerned that obviously we are just
8 standing up, you know, this is our third meeting, and so
9 we are just getting in the game. But because of the way
10 we were commissioned, and I'll roll right into that in a
11 minute, but we were stood up as special government
12 employees. And I have a concern, especially with NOAA,
13 that they said, okay, fine, let's not worry about that
14 yet, but I just want to put it out there that out of the
15 66 federal advisory committees within the Department of
16 Commerce, we are the only ones that are receiving
17 compensation.

18 My concern is, if you look at our report
19 card for the last meeting, and, again, we just stood up,
20 we have credit for one recommendation and we spent nearly
21 \$200,000.00 on that. So we are looking ahead at -- you
22 know, moving ahead. I think that we have to be at least
23 cognizant of the fact of what we are doing in the
24 subcommittee and to really bring to bear as much substance
25 as we can on that.

1 what they were required. Technically speaking, those of
2 us that were involved in trying to create it was
3 surprised. This was something done by the congressional
4 staffer, and I've never asked why. But I know that
5 sitting in there, our discussion was really more or less
6 it would be really nice to have something more permanent
7 than trying to get in to see the Administrator with a
8 group of people.

9 MR. RAINEY: Here's what I had. I had some
10 things I wanted -- I wanted to share these ideas, my
11 thoughts, and then throw out some wild and provocative
12 ideas to you, but I think that we are at least going to be
13 aware of this, because we have unusual circumstances in
14 possibly going forward. Let me explain why.

15 Part of this, we have some interesting
16 limitations on us to come back from Counsel with the DOC
17 on how we move forward, and the official -- the legal
18 interpretation of it, we had a lot of issues of how can we
19 get this work going on between meetings. We clearly have
20 direction that we are fine, over the internet, that the
21 sub groups, or however we term them, will report back
22 through the fact committee and then that's the action that
23 is not a problem.

24 Interestingly to me, the Counsel's legal
25 opinion, because of our special government status and the

1 I'll look at the charter here in a minute
2 and explain something, but I just want you to be generally
3 aware and that everybody understands that there is a data
4 base, that we are looking at performance measures from the
5 FACA, and that we are in a special circumstance compared
6 to the other FACAs, I mean, just by the nature of the way
7 that we are congressionally stood up.

8 RADM WEST: Is that why we are compensated,
9 because we are congressionally mandated?

10 MR. RAINEY: Yes.

11 RADM WEST: I don't think that's in the
12 criteria because --

13 CAPTAIN PARSONS: The legislation
14 specifically said that.

15 RADM WEST: Do we know why they said that?

16 CAPTAIN PARSONS: Nobody has a clue.

17 RADM WEST: Has anybody asked them?

18 CAPTAIN PARSONS: There is no history of why
19 that was written.

20 RADM WEST: There is nobody over there that
21 remembers all this stuff?

22 MS. BROHL: I remember the discussion of
23 creating a FACA, but I was surprised, as much as anyone,
24 the way the FACA was written, and then when we read it, we
25 were looking at the number of members, we were looking at

1 way this is set up, is that the work that we are doing, if
2 we go into working groups or subcommittees, we actually
3 have to be compensated for that work under that. That
4 would completely, exponentially, blow the budget for this
5 committee. We are already looking at a doubling of our
6 costs over this last fiscal year and this fiscal year.

7 So they have actually drafted, Counsel
8 drafted and sent back to me through Captain Parsons a
9 waiver that if we work and agree -- it says, "I hereby
10 waive any entitlement I may have to compensation by virtue
11 of my service on the -- blank -- subcommittee of the
12 federal advisory committee, Hydrographic Service Review
13 Panel. This does not affect my entitlement to
14 compensation for meetings of the full FACA."

15 I'm reading this because I want you to be
16 aware that this is going on, but we are jumping through
17 hoops to try to be able to structure this to get work down
18 without -- you know. So I'm not necessarily coming to you
19 to propose anything right now other than it seems to me we
20 are being kind of hindered by this compensation.

21 It's difficult for the NOAA people to
22 administer when we have some individuals with special
23 circumstances causing some problems, and I'm wondering --
24 it's an unusual thing for a FACA -- this Panel will need
25 to be reauthorized. We have our charter, and I believe we

1 have copies passed around to everybody on the charter. On
 2 the last page you'll see the signing, "This Panel is
 3 authorized by Congress but it terminates September 30th
 4 next year," so we are going to need to get that
 5 reauthorized to continue on. There is no definite term.
 6 It's just subject to reauthorization.

7 It seems like when the Hydrographic Service
 8 Improvement Act amendments are going to go up to be
 9 reauthorized, my proposal to you would be that we would
 10 recommend to NOAA that they have a legislative proposal to
 11 reauthorize the Panel. That might be an appropriate time
 12 to revisit this whole issue of compensation, because it
 13 seems to me, although it's certainly nice to get
 14 compensated for that, the general FACA is where you get
 15 compensated for your expenses, travel and such, but to
 16 have that extra level of compensation -- there has been
 17 discussion that there is some benefit of having the
 18 designation as special government employees, because we
 19 can discuss with NOAA information that's not publically
 20 available. That benefit seems to be somewhat offset by
 21 the crippling of us just being able to do any work with
 22 this compensation issue, because very quickly our budget
 23 just goes sort of out of control.

24 In the Act itself, the specific language --
 25 I'll read it to you so you know how it's worded. It's

1 subparagraph D. "The voting members of the Panel shall
 2 receive compensation at a rate established by the
 3 Secretary not to exceed the maximum daily rate payable
 4 under -- " and then it cites a specific section.

5 Two attacks, we could propose that it be
 6 eliminated and just be reimbursed for expenses, which is
 7 more than the normal FACA. If there is need to be enough
 8 value that we retain this special government employee, one
 9 possibility might be that the law, as it's written, the
 10 compensation is at the level set by the Secretary. So
 11 there is a discretion that the agency didn't pay it. They
 12 just selected a certain level.

13 Possibly, you know, there could be -- you
 14 could set it at a low level so that every time we are
 15 trying to do work we are not breaking the budget by
 16 salaries on top of expenses on top of all the other costs.

17 I just raised this -- it's not a perfected
 18 thought. I just want to tell you that this is causing a
 19 tremendous hinderance to NOAA and us as we try to work out
 20 how do we even just proceed, because these issues are very
 21 much complicating our ability to work as we try to look
 22 forward. That's partly what's held up a little bit on us
 23 going into subcommittees and working groups, because we
 24 need to figure out how does this come back to all these
 25 administrative details on the compensation and such.

1 That's been a little bit of a factor.

2 RADM LARRABEE: Scott, how much of that
 3 \$200,000.00 is compensation versus the other costs
 4 maintained?

5 MR. GRAY: I was going to ask a question on
 6 that also, because --

7 MR. RAINEY: I did ask that, but I don't
 8 recall, and I don't want to --

9 MR. GRAY: There is a sheet in here, three
 10 or four pages back. The money you're talking about are
 11 payments to non-federal members or personal payments to
 12 federal members of the federal staff?

13 MR. RAINEY: What sets us apart is that our
 14 voting members, in addition to being reimbursed for
 15 expenses and travel, we also get compensation for our
 16 work.

17 RADM LARRABEE: We understand that. The
 18 question is how much? Which line is that?

19 CAPTAIN PARSONS: I think it's the first
 20 line.

21 RADM LARRABEE: So of the \$190,000.00, we
 22 are only \$30,000.00 in terms of compensation?

23 MS. BROHL: Travel would stay.

24 RADM LARRABEE: But the rest of those costs
 25 for this Panel are going to remain the same?

1 MR. GRAY: Some FACAs do not get expense
 2 payment for travel?

3 CAPTAIN MCGOVERN: Some FACAs are not funded
 4 at all.

5 MR. RAINEY: What's unusual for us is that
 6 it is funded. You're right, percentage-wise it's not a
 7 big deal so far, but if we break into three working groups
 8 and start working and people are filing billable hours,
 9 that's where we could really have a problem. That's where
 10 the Department of Counsel came back with this voluntary
 11 waiver.

12 Now, the issues I have with that immediately
 13 are -- well, I'd rather work -- I guess if half of us say
 14 okay fine or half of us don't, it seems like it's an
 15 entitlement and that's the legal opinion they came back
 16 with, but now I have the burden, or somebody is going to
 17 have to have the burden then, that says people that didn't
 18 sign the voluntary waiver, how are we going to track those
 19 hours that we are doing work on something. I don't want
 20 to bog the committee down in this, but these are the kind
 21 of things that we are trying to deal with to get past and
 22 move on and get some work done. My worry is the scrutiny
 23 that will come if we try to start --

24 RADM LARRABEE: We are already doing that, I
 25 would think. Any time you pick up the phone and talk to

1 each other, you can count your hours and submit those, and
 2 anytime you do preparation -- now, I don't know if you get
 3 paid for preparation work, but I would think for every one
 4 of these meetings there probably is anywhere from eight to
 5 ten hours for the preparation that probably should go into
 6 it. We are not asking for those periods to be
 7 compensated, so I'm not sure why --

8 CAPTAIN MYRTIDIS: Of course I cannot speak
 9 for everybody here, but I don't think any of us have
 10 applied for compensation. At least I know I did not. So
 11 I don't care personally, I can say that, to be reimbursed
 12 for any phone calls or additional work I do outside this.
 13 That's my opinion.

14 MR. RAINEY: I'm certainly not trying to
 15 bring on any additional difficulties, but right now I
 16 think that maybe the best thing then is -- I do have a
 17 copy of this, and that's one solution, to do the waivers,
 18 and we can just go with it and continue to do the work.
 19 If there is an issue, deal with it as it arises, and
 20 Counsel can kind of figure it out. All I really wanted to
 21 do with all of this was to make you aware of where we
 22 stand. We are unique in that regard, that there is the
 23 FACA data base out there, and just generally that may be
 24 some consideration as we move forward.

25 DR. LAPINE: Let's see if we can solve this

1 time so he doesn't have the burden of trying to do it. We
 2 all need to try to take a role. We are all busy. I
 3 didn't read everything beforehand too. He really wants us
 4 to be real engaged individually to do our share. And to
 5 do that, one way to do that is to have subcommittees as
 6 necessary, and it means some time. So if he is asking for
 7 a commitment of time on our part, I think we'll all pony
 8 up. But to ask that, he also recognizes that we can't
 9 afford to pay everyone for their time. Is that what
 10 you're saying? I thought I'd try to be a little more
 11 direct about it.

12 DR. LAPINE: Even more direct than that, we
 13 have to do work outside these two days, period. All we
 14 have to decide is whether we are willing to do it for free
 15 or not. Personally I can't come to these meetings for two
 16 days without the compensation. I'll put it on the table.
 17 I have to take annual leave to come here. I have used up
 18 my entire allotment of annual leave for these meetings.
 19 That's my commitment to this organization. I'm willing to
 20 work any number of hours outside this room to make this
 21 thing happen for free, but I really do need the
 22 compensation if I'm using up all my annual leave to come
 23 here.

24 MR. RAINEY: Going back to Admiral
 25 Larrabee's point, the delta that's really going to blow

1 real quick here and not put anybody on the spot. Why
 2 don't you just -- why don't we have a little confidential
 3 vote if we are willing to work for free when we are not
 4 here for a meeting. Everybody can take a little piece of
 5 paper, put a yes or no it. If there are some nos then we
 6 might have a problem. I don't think we have a problem,
 7 but I don't think you should just ask people, oh, I'll
 8 work for free, you know, or I don't want to work for free.

9 MS. BROHL: Scott, you're saying, one, we
 10 need to have subcommittees to be effective, right?

11 MR. RAINEY: Well, yes, but what I'm saying
 12 is we need to all be engaged. We need to have issues. We
 13 need to have a work plan, and we need to get work done
 14 before the meeting. Now, whether that's a subcommittee, a
 15 focus group, or whatever we call it -- and there are some
 16 issues under FACA that the way to -- I have to get to that
 17 next, but my point is, we have to just get really --

18 RADM LARRABEE: Scott, maybe this a question
 19 we should take up at the end of the conversation and not
 20 at the beginning. If we decide how we are going to do
 21 work for the next couple of hours, then we can decide how
 22 we are going to deal with this afterwards.

23 MS. BROHL: Let me restate, Scott has done a
 24 lot of work on his own and spent a lot of hours on his
 25 own, and I think he's saying we all need to spend a lot of

1 the thing would be the work between the meetings. So this
 2 waiver that they even prepared was only for those cases --
 3 I need to make more copies than what I have.

4 MS. BROHL: Pass it around and look at it.

5 MR. RAINEY: I have several but not enough
 6 to go around.

7 RADM LARRABEE: I'm still hung up on what do
 8 we do, not how do we do it.

9 MR. RAINEY: Right. That's where I want to
 10 go now.

11 RADM LARRABEE: So if we can have a
 12 discussion about what do we do and get that resolved, then
 13 the how we do it becomes easier. These questions then
 14 become very easy.

15 MR. RAINEY: Can everybody pull up the chart
 16 for a second? This pulls language from the Hydrographic
 17 Services Improvement Act of 2002 that stood us up, and
 18 then it goes back -- in the Act itself, it basically says
 19 that we are chartered to advise the Administrator on
 20 basically the Administrator's duties. So the charter is
 21 the best place to pull it all together. So this is what
 22 we are stood up to do. It's pretty straightforward, but
 23 it's a good place to start, and then I have some ideas to
 24 kick it off and then I'm going to open it up.

25 I'm going to start out with objectives and

1 duties. The Panel should advise the Secretary of Commerce
2 on matters related to the responsibilities and authorities
3 in Section 303 of the Hydrographic Services Improvement
4 Act. It falls down through, skipping down to four, and
5 these are sort of the areas, "Advise topics to the Office
6 of Coast Survey, technology relating to operations,
7 research and development, dissemination of data." Just
8 going through -- I don't even know if we need to read too
9 far beyond that. That's just basically the mechanics.
10 This really is what is stated there.

11 I'd like to pass out one other thing here to
12 start us off and then open it up. I mentioned earlier in
13 the meeting that as soon as we are constituted I wrote a
14 letter to Admiral Laudenbacher and also Dr. Spinrad. It
15 circulated and I got a letter back from Dr. Spinrad that
16 said we would welcome advice from the committee on these
17 things. I have taken those -- well, there is one other
18 really important note. Under the FACA committee, any
19 working group or any subcommittee that we stand up has to
20 basically be commissioned or approved by the
21 Administrator. So we can't agree today to set something
22 up and take off. Apparently it was required that we get
23 approval from the Administrator.

24 A subcommittee is a group of just panel
25 members. A working group can be -- it's chaired by a

1 looked at that as maybe the starting point of discussions,
2 but the thing that's going to make the committee work is
3 for the Panel itself to identify issues and people that
4 want to take the lead on those focus areas and be able to
5 prepare some documents and things so we can start to set
6 up a work plan and folks can contribute to that so that we
7 can arrive at the meeting with something that's a fairly
8 well thought-out presentation that we can address in the
9 meeting.

10 So briefly, I know you're reading it as I
11 am, but one of the areas that came back heavily was what
12 role and interaction should NOAA play in an integrated
13 observation system, and the comments about FORTS and the
14 water level programs. That's been an area we have talked
15 about in each meeting so far. It seems to be a continuing
16 area of interest. So one of the things we might do is
17 come up with some sort of a focus group. I just titled it
18 Modeling and Observation Systems. They can address those
19 types of issues.

20 The idea I had on the second group was to
21 try to look at -- okay, we have all of these things going
22 on. There are some of these really big concepts, IOOS,
23 the Ocean Commission Report, the NOAA Strategic Plan. The
24 idea behind the second working group here I had was what
25 are the rules and missions of NOAA's Hydrographic Products

1 panel member, but it also can bring in other experts on
2 that subject. Both of these groups would do work and
3 bring their work product back to the Panel. We'd sit as a
4 Panel, vote it as a Panel, and then it would move from the
5 Panel forward.

6 Because of the fact that we are going to
7 need NOAA's approval, I wanted to have something that we
8 could move forward on, so I took the things that
9 Dr. Spinrad had requested that we look at, or offered that
10 we could, and I just came up in my own mind three possible
11 focus groups, working groups, subcommittees, whatever we
12 are looking at. This is my own thinking of the groupings
13 that might address those issues that were raised.

14 Now, this is absolutely just something for
15 us to have a starting point on. Maybe one of these works,
16 maybe all, maybe none, I don't know, but what I wanted
17 today is not so much to say here is what I think. I need
18 the committee to find its footing here a little bit. We
19 are engaged with NOAA. These are the inputs that we got
20 back from Dr. Spinrad, the bullets that follow. It's a
21 very preliminary and kind of just a sketch of some
22 thoughts and some groupings of those areas.

23 Now, we did get -- I did run those by
24 Captain Parsons and Dr. Spinrad, and we did get that those
25 would be acceptable. I would feel a lot better if we

1 and Services.

2 In my mind these are kind of the comments
3 that Bill Gray was making yesterday about what are the
4 core missions and the core capabilities, and kind of
5 looking at that. Then what we need to do, we have a lot
6 of big concepts and big ideas, and then there is also some
7 interest specifically within a hydrographic service or
8 specific comments or improvements that we might have to
9 make the specific hydrographic project.

10 The linking between sort of the specifics
11 and the big general concepts, I think, is important. The
12 issue is how do we -- I don't want today an advocate for,
13 but how do we express this Panel's -- in the hydrographic
14 service we talked a lot about getting hydrographic
15 products and services emphasized within NOAA. So this
16 would look at, well, these are four missions, these are
17 important missions, these are foundations and frame work
18 within all the stuff that you're talking about, all these
19 grand plans, this is kind of a fundamental -- these are
20 fundamental things that need to be, you know, maintained
21 and moved forward and heightened in the scheme of things.

22 The last was, there is a tremendous amount
23 of talk about the need for education. Admiral West talked
24 to us a lot about these in the report on the Ocean
25 Commission, and it seems like Dr. Spinrad talked a lot

1 about them in New York. It was one of his areas that they
2 need help on. How do you -- the education, you know,
3 through NOAA and others, the metrics, and how do you
4 measure the value, the public value of these programs and
5 articulate that and connect it to a lot of the things that
6 are going on.

7 I don't know if that is articulated in any
8 way that you can comment on, but it was a stab at trying
9 to categorize the things that -- we did get some direction
10 back from NOAA on some areas that they would like us to
11 meddle in, and it was an attempt to try to group them in a
12 logical way, but what I really need from the Panel today
13 is for me to kind of back out a little bit. I really need
14 all your ideas about specific things, you know, kind of,
15 this is what we have from NOAA, we've talked through the
16 charter, sort of the mechanical constraints that we are
17 working through.

18 There has been some excellent comments about
19 what we need to do to take this to the next level. But my
20 main concern is, I guess as the Chair, is that I need to
21 get everybody engaged on what the Panel truly feels is
22 meaningful work in a way that we can discuss it and arrive
23 at these meetings with a work product that's fairly well
24 along so that we can really have some in-depth work.

25 We are always going to have things come up

1 recreational boaters and things like that -- I'm talking
2 about for NOS. Things are so often said that need to be
3 done and what they would like. This, as you say,
4 responds, I guess, to the big things like ICOS and all the
5 rest of that, but don't we need to hear from the public?
6 What do they want from NOS?

7 RAIM LARRABEE: That is a question I guess I
8 would ask NOAA. How does NOAA create its agenda. Where
9 does that come from? What is the process for which you
10 survey your environment and determine what your needs are.
11 I guess part of that answer is that Congress has already
12 spoken in the approach by which they take to address the
13 budget each year. I don't know how much freedom they have
14 in going out and asking these kind of questions, not that
15 somebody shouldn't.

16 MR. RAINEY: Maybe one thought would be,
17 again, what I want to try to do is to align this thing so
18 that it fits in with what NOAA is trying to do from a
19 leadership perspective. They have now identified, and we
20 have talked about it, the fourth goal is commerce and
21 transportation. That is a strategic goal of NOAA.

22 If we can stand up a focus group that has a
23 commerce and transportation goal, user requirements and
24 needs, that might be a group that addresses that. That
25 would help them develop the corporate performance measures

1 that it seems that there will be something that needs
2 comment. So NOAA will send us things that they need
3 comment on, and the public will send us things that they
4 want comment on, but I want the Panel to also bring things
5 itself, because that's what we are here for. There are
6 those three channels, so we need to have kind of an idea
7 of where we are heading on certain focus groups that will
8 do some in-depth work over the long haul and then be able
9 take aboard the things that come along.

10 I didn't want to stand up a working group
11 just to stand up a working group. I didn't want to stand
12 up a working group until I got word back that it's going
13 to work in the budget and all the complications from that.
14 But now is the time to really get everybody's ideas, and
15 if we have agreement on some areas that we can move
16 forward on to set it up and go, because if everybody's in
17 agreement -- we have to get to that point. I would like
18 to kind of open it up and take everybody's thoughts.

19 MR. GRAY: Just glancing over this, Scott, I
20 think it's again a good start that you have done on this,
21 but it strikes me there is something totally missing, and
22 I think it's been totally missing on what we've done so
23 far, and that is to really get what the customers' needs
24 are.

25 To me the customers and marine commerce and

1 they were talking about that they are developing and
2 trying to get into the NOAA Strategic Plan. So that would
3 be a channel that we would identify. These are the
4 existing ongoing things. Here is what we identify as
5 critical needs or shortfalls. Our requirements are our
6 needs and that can inform possibly the FPBES, product, the
7 corporate performance measures, which would maybe flow up
8 into the Strategic Plan. That might be an idea.

9 MS. BROHL: So that's a fourth group, a
10 proposed group?

11 MR. RAINEY: Please, I'm not saying -- these
12 were just ideas. I'm not saying we are doing these three
13 and no more. That would be -- in my thinking, that's a
14 focus, that would be a piece of -- but, yes, that's a new
15 one.

16 MS. BROHL: My first response to this is, is
17 there anything out there that anybody has had as their
18 particular issue of interest to them that wouldn't be met
19 from the four proposed working groups at this point,
20 because that's what Bill did, and I think it's a good
21 suggestion.

22 MR. WHITING: I want to volunteer for
23 working group number two, and I wouldn't mind being on the
24 subcommittee for one because FORIS is there.

25 MR. RAINEY: We literally have all day to

1 talk about this. Not that I want to draw it out, but I
2 would really like people's ideas. Maybe I shouldn't have
3 even handed these out, but I don't want to presuppose this
4 is the pigeon box I want to put everybody in. These are
5 tossed up for ideas. I would like to try to talk about --
6 rather than signing up right now for all these, if we
7 think these are on the mark or not, first, and then we can
8 figure out.

9 CAPTAIN MYRTIDIS: If I may say, give us the
10 opportunity to read them and understand what is there and
11 probably amend it if necessary, and then we can go ahead
12 and say if we want to participate versus trying to say I'm
13 going for group one or two.

14 MR. RAINEY: That's what I'm saying. I know
15 you're just seeing this, and when I did it, believe me, it
16 was trying to throw some ideas out. I would like to take
17 those kind of comments, like Bill's ideas that aren't
18 represented here, because I had to come out with
19 something.

20 MR. DASLER: I would just recommend maybe
21 incorporating under our charter those items listed under
22 number four into the working groups. Whereas these are
23 just initial thoughts by Dr. Spinrad, I think you want to
24 go way beyond that and maybe expand that. You can break
25 out water level and current data and so forth.

1 MR. RAINEY: Can everybody hear Jon okay?
2 The point is, whatever focus groups or working groups we
3 stand up, it wouldn't be limited to simply the questions
4 that Dr. Spinrad came back with to us. We would also pull
5 from and add to them, and he was suggesting that obviously
6 we would include, and this is why we were talking about
7 the charter, the list of things that we are to advise the
8 Administrator on, and these are the bases we have to
9 cover, so absolutely.

10 CAPTAIN PARSONS: Again, keep in mind that
11 the list that Scott compiled here is composed of those
12 items that NOAA has saw a useful purpose for the HSRP
13 advice on. It doesn't limit you to that, but these were
14 the initial inputs from the program offices that would be
15 involved in this Panel.

16 MR. DASLER: I guess part of the Panel too
17 is -- I mean, the patient doesn't always know what's
18 ailing it.

19 RADM WEST: Sometimes they don't want to
20 know.

21 MS. DICKINSON: We had on the agenda that we
22 were going to discuss the operating principles which I
23 don't recall that we have done. So I was wondering if
24 that would direct our efforts in another area.

25 MR. RAINEY: Thanks for that. That's

1 another thing to read through and use I think for this.

2 MR. GRAY: Scott, if I could, I'm looking at
3 number two, because I went over it very quickly, work
4 group two would evaluate NOAA's mission, the Nation's
5 current and future needs, public user stakeholder
6 requirements, and NOAA's capacity to meet these
7 challenges, and that really is the essence of what I said,
8 that we should talk to the customer and find out what the
9 customer wants and see whether NOAA can provide it. I
10 think Rick's question to Roger or to NOAA is, how do they
11 evaluate these things, I think is what you were saying,
12 what means are available to you and are they adequate.
13 These here, I think, convey what I was trying to suggest.

14 RADM WEST: I think initially we need to
15 look at two things. We have to understand what NOAA does
16 now, and I don't think I do. I don't think we understand
17 how it establishes its budget, what the priorities are,
18 based on what the requirements are. Somebody needs to
19 understand that.

20 The other side of it is, who is the
21 customer, are they being served. The last FACA I sat
22 happened to be with NOAA, and we spent an enormous amount
23 of time trying to figure out what their missions and why
24 they thought they were doing it. Then we spent even more
25 time out asking people that they are supposed to serving,

1 what did they expect to get out of NOAA, did they get it,
2 why or why not, and then all of a sudden it becomes pretty
3 obvious to you as to where the differences are. NOAA
4 doesn't have an infinite amount of money so it has to make
5 priorities, so that would be helpful.

6 There is one missing piece. You have to get
7 to the Hill, you have to get to OMB, and you have to get
8 to Commerce right away. We have to hear what they want.
9 They are the ones that are filtering all this stuff. I
10 have heard it all day now, they filtered this or they did
11 that. Well, why? What reason did they have? I don't
12 think I understand that piece either. So we have some
13 homework to do.

14 I think the other group is, how does this
15 relate to ICOS and Ocean Commission and all that other
16 stuff. That's kind of secondary right now, because I
17 don't think we understand the problem they have with Hydro
18 Services. If mission critical equipment is funded by
19 earmarks, you have a serious, serious problem, period.
20 Because it's one year money, and it's certainly not
21 critical mission if it's only one year money. That came
22 up the very first day we had this. Why is mission
23 essential equipment, core competency, whatever the heck
24 word you want to use, being funded by earmark. Why does
25 NOAA let that happen.

1 MR. DASLER: I guess I see the Panel as not
2 being critical, but we want to be supportive of NOAA and
3 try to think outside the box, why has this propagated on
4 two years, what we can do to turn that around, and maybe
5 it's just wording and strategic plans that kind of changes
6 an emphasis just from an outside point of view. That's
7 where I feel we could really benefit.

8 RADM LARRABEE: The other issue that I think
9 is relevant is the fact that the Ocean Commission has done
10 a good job of sort of highlighting the real problems that
11 are out there and made recommendations. As we said
12 yesterday, until those recommendations come through NOAA,
13 as it exists today, does NOAA have the ability to manage
14 all of that, and the answer is probably no. So the
15 question is, if the first one of these commissions sort of
16 created NOAA, the second commission now is going to change
17 NOAA, how does that change take place and what is the way
18 to go about doing that? It seems to me that at least in
19 this part of NOAA we could help in creating that sort of a
20 dialogue.

21 MR. RAINEY: Those last two things are
22 really important points. My question back to you is, help
23 me figure out how do we -- the message going to the Hill,
24 that's clear, but how do we structure, how do we organize,
25 how do we leave today to work on that issue?

1 RADM LARRABEE: Scott, I think its important
2 this morning that we focus more on honing our discussion
3 about what is it we are going to do, and then the next set
4 of discussions go about how do we organize ourselves to
5 effectively do that. I think if we mix the two together,
6 we are never going to get to where you want to go.

7 If we can somehow decide the things that you
8 suggested here -- let's not take this as committees or
9 working groups. Let's take these as sort of affinitizing
10 some of the issues in broad areas and see if we can focus
11 on those a little bit to sort of clarify what we are
12 talking about here in terms of what we do.

13 Then the follow-up discussion becomes how do
14 we do it, and that takes into consideration that if we
15 conclude that working groups are the things that we want
16 to use, the mechanism, then you can talk about how you get
17 paid and how you operate and who is the chairman and all
18 the rest of that stuff.

19 MR. RAINEY: An issue then is to look at the
20 way NOAA was constituted, the effect the Ocean Commission
21 report has in changing NOAA, and identifying things going
22 on.

23 RADM LARRABEE: I haven't seen the final
24 report except for a couple of excerpts. But it seems to
25 me that for the report to have any meaning and get any

1 traction, somebody is going to have to sort of look at
2 what they've recommended and say, okay, how does this get
3 implemented within the federal budget and within the
4 federal organizations that do this work.

5 Again, at least in the draft report, there
6 is going to be a large number of those recommendations
7 that are going to directly affect NOAA. A fundamental
8 question is, in NOAA's current state, could they possibly
9 take on any or all of those recommendations?

10 MR. GRAY: Rick, do you think that's
11 something that -- you said yesterday that two-thirds of
12 the recommendations will be run through NOAA. But that's
13 NOAA as total, and some measure of those would be NOS
14 related, which is our frame of reference, I guess. But I
15 was thinking that maybe one of the issues that we want as
16 this group to go to is just what you said, is NOAA's
17 ability to respond to the Ocean Commission's
18 recommendations.

19 RADM LARRABEE: Well, first of all, we'd
20 have to get it approved by the White House.

21 MR. GRAY: Should we spend time on trying to
22 make an assessment of that?

23 RADM LARRABEE: That process is yet to be
24 completed.

25 MR. GRAY: But it's in the near future going

1 to be a very real question?

2 RADM LARRABEE: Yeah, could be.

3 MR. GRAY: I think you're thinking there is
4 a piece of work that maybe this body should seriously
5 consider we should undertake, or at least undertake some
6 of it, that that's relevant to the mission of HSRP.

7 RADM LARRABEE: As it relates to this
8 specific issue, hydrographic services. We're not going to
9 look at the weather or currents, but this particular
10 mission, right?

11 MR. RAINEY: Can I ask one process question?
12 In the dialogue, would it be possible for people to
13 suggest strategic issues from the point of our committee
14 that we could look at, and then we could type them in and
15 have them so that we could try to capture them as we talk
16 about this today and have them on the screen, and then
17 we'll have something, rather than us all -- would that
18 slow it down too much?

19 RADM LARRABEE: No, as long as we don't get
20 into a words discussion.

21 MR. RAINEY: But my thinking is, just sort
22 of a general concept, and then we can flush it out, but if
23 we can capture that, then we won't do two hours of it,
24 whatever. Looking at the NOAA Commission Report -- I'm
25 sorry, the Ocean Commission Report, how does the Ocean

1 Commission recommendations that affect NOAA get them
2 implemented and what is NOAA's capacity to do that?
3 Everything we are talking about is coming out through the
4 lens of our charter, which is the hydrographic product of
5 services.

6 CAPTAIN MYRTIDIS: Could I go one step back
7 here and ask a question in relation with something that
8 both the admirals were saying, in relation with something
9 we heard this morning? I'd just like to understand
10 something and can probably ask the question for everybody.

11 Despite the very specific case scenario that
12 the recommendation was turned down as not appropriate, and
13 in line with the process in the job, is there going to be
14 a case in the future whereby our recommendation after a
15 significant amount of work is going to be sanitized as not
16 appropriate? I'm really trying to understand that. I
17 know it's a little bit sensitive issue, and again I
18 understand that was a very specific case scenario, but in
19 my mind, my humble opinion, is that an indication that
20 that could very well happen again? So then, you know, I
21 see we don't have independence in doing what we were
22 supposed to do. So I'm just trying to understand.

23 MR. RAINEY: I can offer my sense of that.
24 I don't think so. I'm not as concerned about -- I think
25 part of what happened was, what we saw today -- a big part

1 of what happened in New York was just sort of the fog of
2 war there. We did not have something that we had reduced
3 to writing that we could get our arms around. We were
4 making that up literally as we were discussing it. People
5 were peeling off to get on planes. By the time we got
6 done, it was extremely difficult to figure out what we'd
7 just had. You saw it today, one of the things that I want
8 to do is to make sure we have positive consensus on what
9 we've said and hand it off.

10 I would like to ask Captain McGovern about
11 it a little bit, because he has it in place with this
12 other FACA. But in your materials, and I don't know
13 exactly which tab we had here -- but anyway, I would like
14 to implement some sibilance of a tracking system so that
15 we have, okay, these are the recommendations, and then you
16 track them. We send them up, and then they were received,
17 they were approved, they were denied. Then you have it.
18 It's an open or closed thing and you move on. That gives
19 you more of a mechanism.

20 Again, that goes back to sort of a procedure
21 rather than a substance, but I have some thoughts and
22 ideas so that we can handle that. We keep control. We
23 know what the status is, what we've done, whether it's
24 been implemented or not. So some ideas on that, we can
25 talk about later.

1 CAPTAIN MYRTIDIS: I think we need the types
2 of -- open, close, et cetera --

3 MR. RAINEY: And I have samples in here,
4 some ideas.

5 CAPTAIN MYRTIDIS: I'm not sure I heard the
6 answer to my question.

7 CAPTAIN MCGOVERN: Just to build on what the
8 captain just said, I would like to make a motion that this
9 committee communicate to Dr. Spinrad our displeasure in
10 his, you know, failure to forward our recommendation
11 whether he agreed with it or not.

12 The proof of the pudding is that it was a
13 recommendation on funding for PORTS. PORTS is no longer
14 in the budget. I have been told that it didn't make it
15 out of Commerce. It's not even that it got killed farther
16 up, it didn't make it out of Commerce, and maybe that
17 recommendation would have helped move it farther up,
18 whether he was in agreement with it or not. That was a
19 recommendation from this committee, and whether he liked
20 it or not, it had to go forward.

21 I mean, I'm sorry, whether it was -- if he
22 didn't like the tone, he could have communicated back to
23 the committee and said let's work with this a little bit.
24 Maybe everyone was in a rush, you know, to change this
25 word or that word, but at least the concept would have

1 moved forward and it may have helped in getting this
2 budget request moved a little bit farther.

3 Here we are talking about ICOS and we can't
4 get PORTS past -- we're not talking about getting it into
5 Congress, we can't get it out of Commerce. I don't know
6 if it's ever gotten out of Commerce.

7 CAPTAIN HICKMAN: I would want to add to
8 that too that not only if he didn't like the tone of it,
9 that's fine, but he was there. If he didn't like the tone
10 of it he could have helped us in the situation as opposed
11 to allowing us to spend all the time we did, put in it
12 print, and then dispose of it.

13 RAIM LARRABEE: And not hear about it until
14 now.

15 CAPTAIN MCGOVERN: I'm sorry. I don't see
16 anywhere in our charter or our bylaws that he is in the
17 chain of command. We have a designated federal official,
18 and we have the administrator. I don't see anywhere on
19 there where it describes the position that Captain Parsons
20 mentioned before.

21 MR. RAINEY: That's in the FACA.

22 CAPTAIN PARSONS: Again, I think those
23 concerns are genuine.

24 CAPTAIN MCGOVERN: Then I would like to see
25 a communication go to Dr. Spinrad telling him that,

1 because I'm really upset that this thing -- if the PORTS
2 funding had made it out of Commerce, maybe this would be a
3 moot point, but it didn't. This is -- you know.

4 Captain Parsons says the Administrator knows
5 about the PORTS funding. Well, maybe he didn't know
6 enough about it or maybe he wasn't knowledgeable about our
7 passion to get the PORTS funding in there.

8 Maybe he didn't fight hard enough, or maybe
9 he would have fought a little harder, I don't know, but
10 the fact is it didn't get there and we've lost the funding
11 as of right now for '06. That to me is a real issue.
12 Otherwise, we are spinning our wheels here if this is
13 going to stop halfway up the chain and never go any
14 farther. Let's call it a day and --

15 RADM LARRABEE: Or it's just as important
16 that we get feedback that says this is why we didn't
17 recommend the PORTS funding. I have no understanding at
18 all of how that decision gets made.

19 MR. RAINEY: There are a couple -- on that
20 one, some of it is a timing issue too, because as we sat
21 in New York, it had already come up and passed back and it
22 was actually in the process, I believe, of -- because we
23 had some information there that was shared with us under
24 our special government employee status, about the appeal
25 fact. I think that was sort of the posture it was in.

1 The admiral had already made the appeal,
2 gave us a copy of that, and that was up at Commerce. So
3 at the time of that meeting, he had done everything he
4 could do through the process on that. He had taken the
5 steps to put that money back in after it came back on
6 appeal, but you're right, we didn't hear back.

7 RADM LARRABEE: Again, ultimately they have
8 to make the decision. We are only recommending. We are
9 only making recommendations. But while we make these
10 recommendations, particularly in this initial stages of
11 learning, it would be nice to get some feedback in
12 real-time, not three or four months later in sort of an
13 offhanded conversation as we bring it up.

14 CAPTAIN PARSONS: Valid criticism.

15 RADM LARRABEE: I'm not trying to be
16 critical.

17 MR. RAINEY: What I want to do here, is that
18 because of the way that all happened, one of the things I
19 want to do is make sure we know that after we have a
20 meeting and we have some recommendations, and we walk
21 through it to make sure we have it exactly right this
22 time, then the next step is, okay, what happened. Well,
23 presumably we get this packaged and then I send it up. I
24 want to make sure that we all understand how that is going
25 to happen. We haven't really spent time on that, and

1 that's an important piece of the procedure so we all know
2 how these recommendations are going to get captured and
3 conveyed in our feedback loop.

4 So what I would like to do is implement a
5 similar system, which works very well, I think, that after
6 each meeting there will be a formal correspondence that
7 will go that will take all of our recommendations and
8 basically have a transmittal cover letter on them and say,
9 we met, these are the actions, and that they go up. I
10 would like to be able to do that with confidence that we
11 have -- that we have a format and a mechanism and not get
12 hamstrung in the weeks that it takes to get the
13 transcript, then put into a summary. We have our
14 recommendations.

15 I think we should have a procedure at each
16 meeting that when we leave here, everybody -- there is no
17 doubt in anybody's mind what our recommendation was. I
18 think that's a fundamental thing. That takes a lot of
19 time, but we have to do that, and that's why we have to
20 have stuff done before the meeting when people -- we have
21 to have stuff in writing so that we are capturing this.

22 It's impossible to end up with everybody in
23 agreement on something that we didn't have in front of us
24 as we are just making it up. I think we have the message
25 on that, and there are things that we can do, and I'm

1 trying to line it up so that that never happens again,
2 that we will know exactly what the recommendations were
3 exactly, that it was handed off, and hopefully we'll be
4 able to get the feedback on how it was perceived and some
5 explanation if it was not implemented and why.

6 So I guess going back to Captain McGovern's
7 point, if you want to draft a correspondence or something
8 on -- I don't know how you want to proceed on that, if you
9 want to draft a note on that or not, if that is something
10 to vote on or just have that comment passed on. I'm not
11 trying to --

12 MR. GRAY: Why can't we go back to the
13 drawing board and redraft the same recommendation in new
14 words and send it up again? I would also say that, and
15 back to my plan, what does the customer want, if we do do
16 more to find out what the customer wants, there is
17 absolutely no doubt in my mind that the commercial marine
18 world will say good data, good data meaning PORTS,
19 real-time data, and the critical area of backlog. That is
20 what the marine customer wants from this organization.

21 I hear in just little conversations around
22 here that the assistant administrator and the
23 administrator, they are both pretty new in what they are
24 doing, and they probably don't know a damn thing about our
25 industry. They probably don't even know, as we say, that

1 20, 25 percent of the gross domestic product of the United
 2 States comes from international commerce transported by
 3 water. They probably don't know that one good accident
 4 that could have been prevented by having some of these
 5 things we have been asking for for ten years or so will
 6 cost a hell of a lot more than NOAA has spent on this
 7 whole activity for the last 20 years, or something like
 8 that. That's the kind of message that needs to go across.

9 The way to get that message across, I'm not
 10 sure what it is, but I do think from listening to the
 11 customer -- one of the questions I put down on my list for
 12 this discussion, should the HSRP in its open sessions ask
 13 some of these customers or their organization, like the
 14 World Shipping Counsel, which is based in Washington, and
 15 I guess represents the main container ship people, should
 16 they ask that, should they ask the Round Table, which is
 17 the international marine commercial world, mainly
 18 representing tankers, gas carriers, and this kind of
 19 thing, what do they think about what the services are that
 20 are provided by NOAA, NOS, where would they feel that the
 21 attention should be given.

22 I know damn well what the answer would be
 23 because I have been working on this thing for the last 12
 24 to 15 -- or longer. And I just can't believe that if
 25 intelligent people at the head of this organization really

1 the letter that you communicate these resolutions to him,
 2 and, oh, by the way, Dr. Spinrad, we haven't heard back on
 3 our first resolution, will you please inform us as to the
 4 status. That puts him in the position that he has to tell
 5 us he didn't like it instead of us telling him we heard he
 6 didn't like it. I think that's a little more diplomatic
 7 way to put it.

8 The other thing is, who is this -- I'm
 9 assuming that if the letter get addressed to Dr. Spinrad,
 10 it gets addressed to Admiral Laudenbacher, so we ask
 11 Admiral Laudenbacher, oh, by the way, we haven't heard
 12 back from you on our first resolution, give us some
 13 guidance and whatever. I think that's the way to take
 14 care of it.

15 RADM WEST: I guess I have a question of
 16 what our product is. Is it after a meeting we send
 17 something to Laudenbacher, or are we --

18 MR. RAINEY: I think that's what we are
 19 trying to do.

20 RADM WEST: I think we need to decide at the
 21 end of today where have we gone and where does it go. We
 22 all ought to agree to that, and it ought to be maybe a
 23 memo for the record. We are here to advise. We should
 24 update them on what we are doing, what our concerns are.
 25 We all should be aware of those, and if before we go home,

1 understood what was at stake, they would take more
 2 interest in what we are trying to say.

3 MR. DASLER: I guess just in defense of
 4 NOAA, the way I would interpret it, sometimes things that
 5 are so fundamental, the bread and butter part when you're
 6 inside the box, it's so basic, you tend to over look it.
 7 When you're trying to present that to somebody on the
 8 outside where it's so rudimentary in your train of thought
 9 and what you do on a daily basis, you don't really get the
 10 importance of that out.

11 I guess too when you read through a lot of
 12 the vision of what's going on, still you need to carry
 13 along that basic core of what you do. Sometimes that just
 14 isn't -- but sometimes just rewording strategic plans and
 15 that kind of thing can present that better to raise that
 16 in funding issues.

17 DR. LAPINE: If I can make a suggestion on
 18 how we inform Dr. Spinrad of our displeasure, I think if
 19 we put something like that in writing it's going to
 20 reflect on Roger and --

21 CAPTAIN PARSONS: Don't worry about me.

22 DR. LAPINE: Make me out to be the bad guy
 23 again. But we've passed enough resolutions yesterday and
 24 today that show how important these two issues are to us.
 25 That reinforces the resolution from the first meeting. In

1 if it needs to be answered, then we ask Roger to make sure
 2 NOAA gets back to us in a reasonable amount of time, some
 3 agreement, because right now we go home and we kind of
 4 don't know what's next.

5 MR. RAINEY: Absolutely. I don't want to
 6 leave here today without --

7 RADM WEST: By the way, we don't have to
 8 report to Laudenbacher if we don't have anything for him.

9 DR. LAPINE: But I think we do now.

10 RADM WEST: We are not here to have a
 11 session for Admiral Laudenbacher. We are here to have a
 12 session to decide how public money is invested in NOAA.
 13 We don't work for Roger. We don't work for Spinrad. We
 14 don't work for Laudenbacher. We work for the federal
 15 government to tell them where to go.

16 CAPTAIN HICKMAN: There was concern of how
 17 we wrote it, and, yes, possibly you get more bees with
 18 honey, but that doesn't mean we have to always use honey.
 19 And if the way we wrote it wasn't proper in somebody's
 20 mind -- I don't think we need to sugar coat it if we don't
 21 want to. If we expressed it the way we expressed it --
 22 maybe that shouldn't have been the first thing, but I
 23 don't know that we should always have to make it pretty to
 24 put it forth. Because if we make everything pretty and
 25 this is what we would like to see, we are going to be

1 right here with nothing done and another panel looking at
2 the same walls going what are we doing here. I don't
3 think that -- I'll only say that maybe for the first
4 recommendation we should have been concerned with the tone
5 of it, but beyond that I don't think we really should be.
6 If we are admit about something, we can say we're admit
7 about it. We don't have to say --

8 MS. BROHL: Remember, the timing on it was
9 basically he had to have it, I need something to go back
10 with, give me something -- he didn't -- I know just saying
11 aside, I don't think you should do this, I don't think you
12 should do this, but at the same token the admiral had said
13 previously in talking about the budget that we need stuff
14 to go back with, and subsequently at another meeting
15 unrelated to this, Dr. Spimrad said, "Boy, this letter
16 from industry that supported FORIS is exactly what I'm
17 looking for." Well, in my head, wouldn't a recommendation
18 from the Panel also support that?

19 So notwithstanding maybe the tone of
20 something, which wasn't intentional, but because it was
21 done too much on the fly, I have to say, wasn't that what
22 you wanted? I appreciate the point, but I think it was
23 done based upon the idea that you needed some ammunition
24 and the Panel could provide that to help justify why it's
25 important.

1 Where does this lead us with regard to
2 subcommittees?

3 MR. RAINEY: We are trying to focus on a
4 couple of thoughts. We are trying to elicit, trying to
5 draw out some substance, some issues that we want to move
6 forward on. I passed around -- the thing I passed around
7 are some ideas they do have, the one real material piece
8 of feedback we have from NOAA on the issues that they
9 would suggest, they'd welcome. So that's their -- not
10 eliminating things but that's a starting point.

11 So we had an issue raised on possibly the
12 thing to look at is the Ocean Commission recommendations,
13 NOAA, what does it do now, what are their capabilities,
14 how will this change NOAA and everything kind of included
15 in that regard.

16 We talked about trying to capture some of
17 these ideas as we go ahead so that as we go through the
18 discussion, we can go back and say, okay, these were some
19 of the issues that were identified, and then once we feel
20 like we have identified the substance, then we'll figure
21 out how we are going to attack these, how we are going to
22 proceed and deal with the process and structure. I think
23 that is a fairly --

24 MS. BROHL: Whether it's adding to the list
25 of proposed subcommittees -- but it has to do with

1 affecting the budget process or making recommendations on
2 the budget recommendations under NOS, and I don't know
3 whether NOS is a zero sum game in terms of, you know, this
4 is how much money, you have to tell us where it's going to
5 go, or you throw a lot of stuff at the wall and hope that
6 sorts it out in terms of the budget process. But I have a
7 concern, from looking at the ICOS plan -- and this is not
8 talking about the ICOS plan -- but what I see is already
9 implementation efforts of the draft ICOS plan in NOS, and
10 I'd just throw it out to mull it over.

11 The ICOS plan calls for the creation of
12 regional associations, and that's to provide regional
13 advise and planning which is, I think, sounds like a good
14 idea, but it's much more than that. Regional panels to
15 advise and to have local regional strategic planning is, I
16 think, excellent, but the regional associations were
17 really created from a totally different background than
18 what we are dealing with in terms of hydrographic
19 observations and programs for maritime use.

20 I think that NOS NOAA, NOAA continues to put
21 a lot of support and financial support, and plans to put
22 more financial support through research funds to support
23 regional associations which are, for the most part, run by
24 universities. In that plan it's to operate and create
25 observations, and in some many cases they are already

1 under development. It's kind of -- I guess the one part
2 that bothers me about the ICOS plan is that it kind of
3 front end loads the whole idea that they already -- NOAA
4 has already given grant money to create regional
5 associations to handle local observation or to develop a
6 regional association by which they may operate and run
7 observations systems. Now, that's not necessarily a bad
8 idea, and I don't want to say that it is or it isn't, but
9 it seems a bit the cart before the horse.

10 This committee may want to say, given the
11 fact that we are so focused on supported real-time
12 observations and we are looking at NWLON and FORIS, is
13 this other whole side of NOAA that's working to take all
14 the observations and run them out run there. We are
15 looking at the federal backbone, and they can compliment.

16 And, again, I'm not saying that's it's a bad
17 thing or the wrong direction, but I think that the Panel
18 should look at it and look at it soon because it's already
19 underway and under development, how does it compliment,
20 work with programs. In some cases regional associations
21 are looking at existing PORT systems in their area and
22 saying now maybe we'll run them. As long as they are
23 going to pick up the tab, that may not be a bad idea, but
24 I don't think that's what they think.

25 I don't know how -- doesn't this kind of --

1 there has been so much work already, and in terms of
 2 members from an association that operate their own FORT
 3 sites and --

4 CAPTAIN MYRTIDIS: I'm having a hard time to
 5 follow you.

6 MS. BROHL: I'm sorry.

7 DR. LAPINE: It's already a bullet in
 8 working group number one. Why don't we get off of that
 9 ICOS for just a minute. Isn't it more about what the
 10 whole committee is for?

11 MS. BROHL: All right. No, no -- well,
 12 okay.

13 DR. LAPINE: Quit monopolizing the
 14 conversation on ICOS.

15 MS. BROHL: Well, I'm not trying to.

16 DR. LAPINE: It's only a part of the whole
 17 thing this committee is here to talk about.

18 MS. BROHL: I understand, but that wasn't
 19 the intention. The intention was that I thought we were
 20 talking about possible subcommittees.

21 DR. LAPINE: Didn't you read this?

22 MS. BROHL: Yes, I did read it.

23 DR. LAPINE: The second bullet.

24 MS. BROHL: Then I apologize.

25 MR. GRAY: I think Scott made a good start

1 CAPTAIN MCGOVERN: Just on your thought, I
 2 think, number one, you have to figure out who the
 3 customers are and then what do they want.

4 MR. GRAY: Okay. Well, I agree with you.
 5 I'd make it commercial navigation using the waters of the
 6 United States and recreational uses of the waters of the
 7 United States. I think they are more or less the customer
 8 group on which Roger's organization is based.

9 DR. LAPINE: I think there are other
 10 customers out there.

11 MS. DICKINSON: Getting back to why are we
 12 here and what are we supposed to be doing, our discussions
 13 seem to flip-flop back and fourth between policy issues,
 14 which, to me, is what we are here for, to give some sort
 15 of policy directive to NOAA; these are the things we think
 16 are important, these are the directions we want you to go
 17 in. But then we get into these discussions of how to do
 18 it; we want it done this way, we want it done that way,
 19 and why are you doing it this way. Those are operational
 20 matters, which I'm not sure we are really there yet, and
 21 maybe we should spend more time on policy direction than
 22 how to build a clock. That would be my suggestion.

23 MR. RAINY: That argument resonates with me
 24 in that it seems like we would be equiped to advise on the
 25 policy level, and we'd also be, I think, then able to

1 in possible subcommittees and so forth, but we've had two
 2 suggestions, one that Rick made and one that I made on the
 3 pieces of work that we think ought to be done, and we
 4 haven't figured out which is the right way to do those
 5 pieces of work. His was to look at the Ocean Commission's
 6 report in the context that we know that two-thirds of what
 7 they're recommending is being directed at NOAA.

8 RADM WEST: My guess is around sixty
 9 percent.

10 MR. GRAY: A significant amount.

11 RADM WEST: For the record, that's my
 12 assessment. Most of it.

13 RADM LARRABEE: A lot of them.

14 MR. GRAY: Of those recommendation that seem
 15 likely to be aimed at NOAA, is it a worthwhile task for
 16 this group to look at has NOAA got the capability to
 17 respond effectively to such, at least in the context for
 18 us of the Hydrographic Services and NOS? The second one
 19 is what I started out with saying, don't we have to listen
 20 or find out better what do the customers want, customers
 21 to me meaning commercial and navigation and recreational
 22 use of our waterways? These are more specific things down
 23 here and so forth, but those are two fundamental pieces or
 24 issues on which I think we could put together a group of
 25 people to study those.

1 inform on the requirement needs.

2 RADM LARRABEE: What is it that NOAA should
 3 be doing and why are they doing it, and if they're not,
 4 how do we help them to achieve it. It's just that simple.
 5 And the question about what is it that NOAA should be
 6 doing, I think, has fundamentally been changed by the
 7 Ocean Commission and the PEW Report. Now, I'm not
 8 familiar enough with either one of those to say, you know,
 9 that they set a new direction for NOAA. But the
 10 assessment that we heard yesterday was, yeah, that's
 11 liable to come out of this. I don't know where the
 12 administration is going to fall, and that's important.

13 We have another step that has to happen.
 14 The administration has to approve this report and say,
 15 yes, they support it or, no, they don't. And I don't know
 16 that we should make assumptions, but let's assume for a
 17 second they do. You now have sort of a much higher set of
 18 expectations for an organization that hasn't really, by
 19 its own admission, been able to accomplish everything that
 20 it thinks we should be doing. So now we have an even
 21 bigger challenge of how do you reconcile all of that.

22 We have heard lots of discussions about the
 23 frustration of how the budget is created. That's a
 24 problem. We have fundamental questions about how much
 25 core capability should we have. That's an issue that

1 needs to be addressed. We have questions of overlap
2 between competing agencies which is, you know, a
3 fundamental problem in all government these days. But,
4 you know, how do you reconcile those sorts of things?

5 There is an awful lot of meat here that it
6 seems to me we could jump on in a heart beat, but we have
7 to fundamentally understand that we have a fairly narrow
8 slice that we deal with and that's hydrographic services.
9 It's not the whole enchilada. So we have to boil that
10 down to something we can manage. I think if you can do
11 that, you'll come back to some of the things that you'll
12 eventually get to.

13 But let's stop thinking about how to do this
14 and figure out what is it that we want to take on. All of
15 those things, in terms of the limited sort of time that we
16 can devote to this, is far more than we can do, to be
17 honest with you.

18 RAIM WEST: That's very good. We need to
19 understand where Hydrographic Services is, why it's in the
20 condition it's in right now, what's happened, the budget,
21 why isn't Laudenbacher interested in knowing anything
22 about it, why it is at the bottom of the heap, why hasn't
23 all the people who need it had a voice. That's where we
24 need to figure out what's wrong there so we can tell NOAA.

25 But just as important, everything we do is

1 public documents now, and there will be hearings and there
2 will be requests for information that will come directly
3 from us to decision makers, be it the Hill, et cetera.
4 You may even be in front of a committee next spring
5 testifying about what we have talked about.

6 So we have real access and real power, but
7 you have to make sure we understand why and how NOS, Hydro
8 Services, got to the point where they told us that mission
9 critical equipment was being funded by earmark. I hate to
10 go back to that, but that's about the bottom of the barrel
11 as far as priorities within an agency. So how in the hell
12 did they get there? Maybe it means we don't need them
13 anymore and it should go away.

14 Somewhere in between they've lost the
15 priority in funding within the NOAA process. We need to
16 help them put that back into it, now even more so with the
17 results of the Ocean Commission who have said that NOAA is
18 even more important now than it was when we established it
19 in 1971.

20 So what's happened? What's happened is,
21 Spinrad isn't given a hundred million dollars to spend on
22 ocean issues. He has probably 250 line items that tell
23 him where to put his money. So what happens is these guys
24 have to go find earmark permission. I mean, that is
25 absurd, absolutely absurd, and there is nobody that can

1 say that. Roger can't say it because he works for
2 Spinrad. We can say it. We can tell Congress that to
3 have mission essential equipment that is essential for the
4 safety of maritime ops is earmarked. That's ridiculous to
5 have that in NOAA, period, and I would say it in front of
6 any committee, in front of Congress, and so would you.
7 That's the type of information that you have to do, but
8 you can't say that unless you have done your homework.

9 You have to understand the budget, how it's
10 put together, how the priorities are made. Maybe we will
11 find that Spinrad spent something on something else that
12 probably he could have worked hard -- I don't know where
13 the FORIS thing -- was it done in NOAA? Was it done in
14 Commerce? What was the push back? Did we buy it back?
15 Did we reclaim it? I don't know where all that is. We
16 need to know that. You need to go to Commerce.

17 FORIS, we didn't even hear about that, or
18 you find out at OMB, "Yeah, we drew a line through that
19 because we asked for an explanations line and nobody came
20 over to tell us." That happens a lot. You need to know
21 that before we start criticizing -- not criticizing,
22 helping NOAA get better. So we have to do some homework
23 first.

24 Then, as I said, this Nation absolutely
25 needs NOAA. If NOAA is not in a position to do this, and

1 this is the whole opportunity or most of the opportunity
2 the Ocean Commission is going to give us, then it's going
3 to go in the archives some place and collect dust.

4 DR. LAPINE: I think both the admirals had a
5 lot to say, and I agree with their approaches and all, but
6 the one thing that worries me a little bit is right now we
7 have FORIS and we have hydrography and we really don't
8 have the Ocean Commission approval by the president. The
9 ultimate goal is to have more hydrography and more FORIS,
10 and if we can make a strong case for those two, then we
11 can ride on the Ocean Commission's report, should it be
12 approved. But if we tie our justification to the Ocean
13 Commission report and it's not approved, then we have
14 failed totally.

15 RAIM WEST: There is no approval or
16 disapproval. It's been submitted. It's done. Now he has
17 90 days to comment.

18 DR. LAPINE: Show me the money.

19 RAIM WEST: Well, there is money coming. In
20 fact, there is about three-quarters of a million dollars
21 right now pending on the NOAA budget right now
22 specifically identified for Ocean Commission's use. The
23 issue here now is what is the President going to say about
24 this. He is supposed to say something like I like it or I
25 don't like it. We expect a lukewarm a-okay. But there

1 are lots of folks that are going to take this and do
2 something with it. We've already seen it in the NOAA
3 budget. So it's not just that the President has to say
4 here is a billion dollars to go do this. This is
5 underway.

6 MR. GRAY: I kind of take it that still we
7 kind of have two subject matters, two jobs that are
8 directly relevant to what this committee ought to do. And
9 that was the one Rick had suggested, tided to the other.
10 Yes, it's not yet, but we know that that possibility
11 exists and it's very relevant. And if it gets any kind of
12 blessing with the ones that were relevant, it's not too
13 soon to start work on that, I think, is kind of the way I
14 feel about it. We are talking about subgroups in the
15 committee.

16 The other one is back to PORTS and the
17 critical area thing, and it's another group of people, I
18 agree, that knew exactly what they had, and that came out
19 so much more about how to get rid of this terrible funding
20 problem or how to understand it so that we can put it in a
21 proper context of why this is being done. But I think
22 that job could also benefit, as I said, from getting a
23 real good update from the customers and making that the
24 basis of what we are saying. That's two pieces of work
25 that I see.

1 If it's not fitting into any of these things
2 you're trying to do, and it may not be dealing with any of
3 the issues that Dr. Spinrad or Admiral Laudenbacher
4 necessarily want, but if they are issues that we want
5 because we think they're relevant to what the committee
6 was established for, I would think that we should try to
7 identify those pieces of work, and maybe the people within
8 the group that are best to try and take a crack at those
9 things.

10 DR. LAPINE: I just think if we tell the
11 Administrator what our important goals are and he
12 understands those, and then the Ocean Commission is
13 successful, and so he says, ahhh, here are important
14 things that need to be done, here are the resources to get
15 them done, versus saying let's support the Ocean
16 Commission and then as a result of that support maybe we
17 will get PORTS and hydrography out of it. I think we need
18 to tell him what we think is important and then let the
19 Ocean Commission solve that problem for him.

20 MR. GRAY: I think we'll do it on its own
21 right, and if the Ocean Commission comes along and does
22 something, so much the better.

23 DR. LAPINE: Right. Easier solution.

24 MR. DASLER: I think our focus should not be
25 just on policies. I think we have to look at the

1 operational end of things to make sure that vital
2 resources are on the operational end.

3 MR. GRAY: Absolutely. But there are
4 certain people that are in a good position to do that. I
5 feel I can represent the views of certain types of
6 customers. That is what I can add to this thing. How
7 they do it, I'll leave that to the experts. I have never
8 had any problem, from my experience, with the quality of
9 the products that NOAA and NOS has produced. The problem
10 has been there is just not enough of it.

11 MR. RAINEY: I would like to suggest that
12 maybe we hold that and break for lunch. We are pretty
13 close to schedule. We'll come back on schedule. During
14 lunch maybe we can try to get those ideas captured and
15 then build upon that. And Elaine had mentioned that we
16 haven't taken a look at the operating principles, so I
17 would like to include those in our discussions. I don't
18 intend today to try to grab those things and then jam them
19 through like we did yesterday. I think we can fold them
20 into our -- we can look at them and talk about the ideas
21 represented here and how we can look at those and carry
22 them forward. How about we break for lunch and then come
23 back at 1:30.

24
25 (Whereupon, a lunch recess was taken.)

1 MR. RAINEY: Just to get us all on the same
2 page of what we have in front of us, I'd like to make sure
3 that we take a look at the proposed operating principles
4 that Roger brought, and the intent there in the
5 discussions with Dr. Spinrad. The development of these
6 would be used or be included in the thought process going
7 forward. I don't want to walk through these and vote them
8 up or down today, but I want to acknowledge the receipt of
9 them and have that content in front of us when we are
10 trying to focus in on some issues that we want to move
11 forward with. We can weave these into the discussion. We
12 have the operating principles.

13 Another paper that you may find in front of
14 you is, I guess, entitled the NOS Strategic Plan. Let me
15 just quickly explain what that was. Yesterday we had
16 asked people if they had specific points that they wanted
17 to make about that and to write them down and submit them.
18 So I didn't want to drop the ball on that.

19 These are the ideas that people put to paper
20 and handed in to us. We have captured that and printed it
21 out, and, again, my preference would be not to try to
22 address these, to vote them up or down, but to have them
23 in front of us like the operating principles as we
24 continue this discussion. People can try to refer to
25 them, if that generates some ideas as we are trying to

1 focus on these issues.

2 On the screen there is a little piece of it
3 here. That was our attempt to record the ideas that came
4 from this morning, from Bill Gray and Admiral
5 Larrabee and others, you know, kind of user requirement
6 driven, and the thought from Admiral West that one of the
7 strategic critical and chronic problems is mission
8 critical equipment is funded by earmarks, and then the
9 last is an attempt to capture Admiral Larrabee's
10 discussion about breaking it down, knowing, assessing the
11 current status of NOAA Hydrographic Product and Services,
12 identifying the changes that are suggesting or required by
13 Ocean Commission and possibly other factors that are in
14 effect, and then looking at the delta basically, what is
15 NOAA's capacity, you know, short fall or otherwise, and
16 make recommendations there.

17 I don't know if that sufficiently captures
18 what you said, and I asked the court reporter to try to
19 get me an advanced copy of it. But that's what those
20 represent, and also in front of us would be the original
21 paper that I had just distributed with the ideas of some
22 possible working groups there. To me those are sort of
23 the things that might sort of inform this process of
24 trying to come up with specific issues that we are going
25 to move forward on, and then we move into how we are going

1 to attack that. What I would like to propose is, we
2 identify how we are going to organize what the work plan
3 or the deliverables are going to be and some sense of a
4 time line on that. So that's kind of what I'm trying to
5 get in the next couple of hours before we leave.

6 CAPTAIN MCGOVERN: This question is for
7 Bill. I think Bill had mentioned termination requirements
8 of NOAA, I think it was the hydrographic services
9 constituencies since we are the Hydrographic Services
10 Review Panel, not just a navigational service, I think.
11 Bill?

12 MR. GRAY: Well, yeah.

13 MR. ARMSTRONG: I kind of agree with you. I
14 think we've acknowledged there were other constituents
15 beyond the navigation community.

16 RADM WEST: I think the second one is a
17 little bit more politically correct, the funding levels of
18 mission critical. Whoever said that, that's a little
19 harsh.

20 MR. GRAY: Levels of funding?

21 RADM WEST: A review of the -- you know,
22 level of funding for mission critical line items,
23 whatever.

24 MR. GRAY: To cover your point of getting
25 rid of earmarks, can you say ongoing level or something

1 like that, ongoing base level?

2 RADM WEST: The real issue is why isn't NOAA
3 funding mission critical? Why are they earmarks? Why
4 isn't NOAA putting it in their budget and paying for it?
5 Mostly because they're paid for by earmarks, I know that,
6 but that's a vicious circle. It's not good.

7 CAPTAIN MCGOVERN: Once you're in it it's
8 hard to get out of.

9 RADM WEST: Congress can only give you one
10 year at a time, and NOAA plans on using five or six years
11 at a time, so the two don't jive. Somebody should review
12 the funding level of mission critical funding requirements
13 for hydrographics.

14 RADM LARRABEE: How does Laudenbacher -- his
15 concept fit in with the reality of earmark and --

16 RADM WEST: It doesn't fit. The PBS system
17 is something the Department of Defense uses and has used
18 for years, and he's familiar with it. I mean, we are too.
19 That's all I did in the Pentagon too. It's a process of a
20 requirements driven budget cycle.

21 RADM LARRABEE: But how is he eventually
22 going to get that implemented?

23 RADM WEST: It would be hard, very hard. I
24 don't even know how many budget line items NOAA has. Does
25 anybody know the total? It's well over eight hundred. I

1 quit counting at eight hundred. Which as opposed to NSF,
2 which is bigger, but only has five. So that's the
3 magnitude of the problem we have trying to deal with
4 NOAA's budget.

5 RADM LARRABEE: The implication there is
6 that without the flexibility of being able to move money
7 around, he can't accomplish --

8 RADM WEST: Helen made reference, made
9 comment that Spinrad is putting money into ICOS. He
10 doesn't have a choice. He does haven't any discretion.
11 He's told every year where it goes. He hopes that what he
12 sends up is accepted. NOAA is very unique in that way.
13 To make it even worse, Laudenbacher only has -- how much
14 can he reappropriate --

15 MR. SZABADOS: Five hundred thousand.

16 RADM LARRABEE: Five hundred thousand
17 dollars is all he can be appropriated?

18 MR. SZABADOS: Without going to Congress.

19 RADM WEST: I don't think it's that much. I
20 think it's three hundred. Then he doesn't do it without
21 getting permission. So that's important to know as we
22 look at NOAA, as we look at NOS, as we look at
23 Hydrographic Services, how the budget cycle -- the
24 condition of the budget of NOAA in the federal government.
25 It's unique because it has so many line items that you

1 have no flexibility. You are told what to do by these
2 line items, and then you have so many people picking at
3 you as it goes up.

4 MR. RAINNEY: When I met with Dr. Spinrad, he
5 had a way of putting it and it just really stuck with me,
6 he sees it as changing the world ten dollars at a time.

7 MR. GRAY: Should that include something
8 other than equipment, like equipment personnel and
9 operations? I mean, it's the funding level --

10 RADM WEST: It's not just equipment.

11 MR. RAINNEY: Let me suggest that's -- we'll
12 try to put markers out for concepts. We'll definitely
13 come back to these, but could I ask if people had a chance
14 to think about it -- again, this would also include the
15 ones that I sent out, but if there are other distinct
16 ideas of issues that we should look into, could people
17 raise them and then we'll have a chance to include those
18 things, and then we will definitely go back.

19 The steps I would like to do is finish out
20 this piece of it and then go back and say, okay, these are
21 the ones we wanted to tackle, and then how we'll structure
22 it and what the work products could be or the effort could
23 be and then with some sense of a time line attached.

24 Maybe rather than flushing out -- unless we
25 want to stop it here, the question is, are there other

1 things to add to the list before us as far as issues that
2 the Panel feels, given all our briefings and everything
3 before and the things that we are interested in? I guess,
4 John, for example, you had given me yesterday some things,
5 and Tom also approached me a few minutes ago about some
6 ideas. Maybe this would be a good time to talk about -- I
7 would like to list it to make sure I haven't prohibited
8 anybody else from bringing new ideas in here and get it in
9 the mix.

10 What I would like to do is use this as a check
11 valve, and once we have made a round turn with everybody
12 and had our ideas up here, that maybe we don't go back and
13 start all over. We work with what we have here and then
14 figure out how we are going to move forward on the ones we
15 select. I guess I would like to open it up to see if we
16 have some new strategic issues or concepts that you think
17 that we should start off into. Does that seem a good set
18 up for you John?

19 MR. OSWALD: Yes.

20 MR. RAINNEY: Maybe we can give you the
21 floor.

22 MR. OSWALD: I made some maps here just
23 yesterday. A couple but not all of those areas, these are
24 just maps, published NOAA charts that show the critical
25 need as addressed to Roger's plan here.

1 CAPTAIN PARSONS: John, I can't hear a word
2 you're saying.

3 MR. OSWALD: I made a series of maps right
4 from NOAA's published charts, areas in the United States,
5 because I talked to several FACAs here that did not
6 realize that parts of the United States have never been
7 surveyed ever on land and in the water also. Maybe there
8 is not enough to go around. These are areas that were
9 surveyed in the last few years.

10 The very top sheet is actually not in the
11 critical survey area, but there is cruise ship traffic
12 wanting to go in this area, like this lake is over
13 capacity, that's one area that cruise ships are limited.
14 Each of the areas have different priorities for
15 commercial -- really, very little recreational boating
16 goes on. It's commercial traffic, not high volume by
17 standards, but a lot of demand by the cruise industry,
18 smaller ships going into shallower water.

19 If there is anything I could add, I think
20 that as Bill said and several people have said, the core
21 function of NOAA NOS should be maintained. The basic --
22 we shouldn't have maps that have big white spots on them.
23 However we do that, through talking to budgeting,
24 recommendations from this Committee -- the one thing I
25 think should be a recommendation would be something

1 like -- according to Captain Parsons, a figure this
2 morning, 13 years for the critical backlog, that's 2300
3 square nautical miles a year. Does that include the new
4 assets mainly the fair weather and the --

5 CAPTAIN PARSONS: That's correct. That's at
6 current funding levels and current expected assets.

7 MR. OSWALD: Current funding levels, I'll
8 mention, as Admiral West said, some of the current funding
9 levels for that are earmarked.

10 CAPTAIN PARSONS: No, it's a line item.

11 MR. OSWALD: But it's not budgeted. It's
12 year to year. Why don't we decide to increase capacity?
13 We all want to increase capacity somehow, whether it's
14 doubling, tripling. You can't double in one year, but
15 five years, ten years -- because after the critical
16 surveys are done, there will be more emerging areas.

17 MR. ARMSTRONG: Even when the critical is
18 done this area is still going to be blank.

19 MR. GRAY: We have to keep reassessing what
20 the critical areas are.

21 MR. OSWALD: That's part of the process of
22 this plan.

23 MR. GRAY: Another dimension in that, we
24 talked briefly about it at lunch, and it was to make it
25 very dramatically clear, after an accident in New York

1 Harbor in 1991, there was a report in the Coast Guard that
 2 said there was very poor hydrographic information between
 3 government maintained channels and private berths. So I
 4 know in the New York Harbor now they are requiring the
 5 terminals to sound the approaches. The implications is
 6 that there are significant areas between government
 7 maintained channels and the eventual berth for vessels
 8 which are not subject to any disciplined hydrography or
 9 bathymetry, whatever that term is, and that would be a
 10 series of very small but very critical areas. Because
 11 once you leave the government contained channel in which
 12 the data ought to be good, you're in never-never land when
 13 you approach the actual berth. So that's another
 14 connection in which --

15 CAPTAIN PARSONS: Can you summarize, John,
 16 in ten words or less an issue that you would recommend
 17 that HSRP tackle?

18 MR. OSWALD: Either through a committee or
 19 recommend right now that we recommend NOAA increase
 20 capacity. Now, how that's done -- I mean, that's a
 21 combination of ships, contracts, chart production, et
 22 cetera. I think capacity needs to be increased
 23 substantially, and we need to say that loud and clear. If
 24 Spinrad rejects it, we send it back again.

25 RADM WEST: Capacity to do what?

1 MR. OSWALD: The capacity to reduce the
 2 critical backlog.

3 RADM WEST: That's important.

4 CAPTAIN PARSONS: So it's review capacity as
 5 opposed to -- I mean, I presume the result of such a study
 6 may be to increase, but this looks like a conclusion. And
 7 I think what Scott has asked for is topics for the review
 8 Panel to address. So are you suggesting that the Panel
 9 should review NOAA's hydrographic survey capability?

10 MR. OSWALD: I would say we would address
 11 it. It's come out over and over again here that it's
 12 fundamental.

13 MR. DASLER: I think a key element to that,
 14 you eluded to that, is the cartographic throughput. Right
 15 now that's really lagging behind. The more you increase
 16 survey capacity, the more that's going to lag behind, and
 17 that's going to be a real bottleneck if that isn't
 18 addressed.

19 RADM LARRABEE: One of the things that they
 20 talked about in the Strategic Plan is performance
 21 standards, the agency coming up with standards by which it
 22 can measure and its constituents can measure its
 23 performance. Where are we with that?

24 MR. RAINEY: All it says in the Strategic
 25 Plan is an acknowledgement that they are working on that

1 and it will be included at some future date. They call it
 2 corporate performance measures. It's not self evident
 3 from the document.

4 RADM LARRABEE: It seems to me this is
 5 clearly one of those issues that lends itself to
 6 measuring, and if you believe then you get what you
 7 measure. It seems to me that ought to be an area that we
 8 would be interested in getting into.

9 MR. RAINEY: I believe that Charlie
 10 Challstrom gave us a little bit of a taste of that in the
 11 briefing in New York, but I don't know that I came away
 12 understanding exactly where that process is in the time
 13 line.

14 RADM LARRABEE: I would suggest as we put
 15 together these groups that that would be one of them that
 16 we put in there in one of these categories.

17 CAPTAIN PARSONS: Can you put performance
 18 metrics on there, Monica?

19 RADM LARRABEE: All of these things that we
 20 talk about, whether it's white spaces or other things that
 21 are backlogged, lend themselves to at least we need to
 22 articulate in a consistent way, are we gaining on it or
 23 are we losing on it, and what's the consequence of that.
 24 I think it's clearly not a message that -- I mean, so
 25 what, so it has a white space on the chart. What does

1 that mean? It's Alaska. It's dark nine months out of the
 2 year. What's the big deal unless you happen to be running
 3 a cruise ship through there.

4 CAPTAIN PARSONS: The answer to that is
 5 don't run a cruise ship through there.

6 RADM LARRABEE: Well, that may be.

7 MR. RAINEY: Does anybody on the Panel have
 8 any other issues that they would like to add? I would
 9 suggest that we take a look and see how we can group this.

10 CAPTAIN MCGOVERN: I think we have a pretty
 11 good start. We can always add to it every meeting.

12 MR. ARMSTRONG: I have one other thing that
 13 I'll offer for your suggestion, and I don't think it maybe
 14 rises to the level of some of these others, but I would
 15 suggest that the sum value in the discussion of increasing
 16 the value of hydrographic data products and services by
 17 enhancing their scope and utility and extending the
 18 application of hydrographic services beyond the navigation
 19 community -- in other words, there is a lot of technology
 20 and potential, societal benefit from hydrographic
 21 surveying and hydrographic services that can be gained by
 22 extending those services to management of fisheries, to
 23 management of mineral resources, to enhance safety in
 24 coastal, so on and so on.

25 MR. RAINEY: That's a huge piece of my

1 thought. In my proposed working group three, that's
2 exactly what -- a big chunk of what I was trying to think
3 there. I don't know if I came close to articulating it
4 like you did, but that's the concept I was shooting at.
5 So if we can put it in your words or if mine are a close
6 enough approximation or marry those two up, we might have
7 captured that. Because that I think is exactly what we
8 have heard from NOAA, and it goes to one of the last of
9 Dr. Spinrad's questions that they need help on that. It
10 goes to crosscutting through. I think you put it way
11 better than I did, but that's what I was trying to do.

12 CAPTAIN MCCOVERN: I would like to add, I
13 think that's good. I wouldn't limit it to the navigation
14 services. It's more -- kind of like what we talked about
15 in our charge to ICOS about -- I think it was ICOS --
16 about having the -- if the research project is being done,
17 that they should be able to supply, if possible, the
18 navigation community -- or we are looking at vice versa.
19 So it's not necessarily looking at all the services and
20 seeing how they can be expanded to serve more than -- a
21 lot of times it's one customer, and look at it on a bigger
22 picture and say, okay, how can we get more bang for our
23 buck all the way around.

24 MR. ARMSTRONG: If we are surveying the
25 support fisheries management, that data ought to go into

1 the charts and vice versa.

2 MR. DASLER: I think that's almost like a
3 turn around of the way they're trying to bring more
4 funding in now and looking at new ways and methods. Look
5 back at what you do best, and that goes back to the core
6 principles of what NOAA brings to the table with their
7 products and just expanding it over a broader area.
8 Basically you're taking that same data but getting the
9 benefits. You get a lot of data, like you said, that's
10 being acquired by coastal services and fisheries, and you
11 can apply that in a broader sense.

12 MR. RAINEY: The question I have to you then
13 is, you're on a FACIA Panel and you came to the panel to do
14 work. If you're sitting there and your issue isn't in
15 play here, is there something -- do we capture -- if we
16 move forward on these issues, is there anyone that doesn't
17 feel that they have issues of import that are not
18 reflected in these goals? In other words, if we now move
19 to, okay, that's how we are going to attack these things,
20 is everybody on board that these are priority issues that
21 we should move out on? Is there anybody sitting there
22 thinking, well, my issue isn't up there or there is
23 something we ought to be doing different? I'm not saying
24 everybody has an equal engagement in all of this. At
25 first we are not going to, but is anybody left out of this

1 picture or is everybody on board?

2 RADM LARRABEE: What's above -- are there
3 any more above that?

4 MR. RAINEY: I guess what we don't have on
5 the screen is the page I handed out to begin with, the
6 proposed three working groups. What I'm saying is, this
7 is the opportunity. I don't want to miss anybody. So
8 if there is something that you think we need to focus on
9 next --

10 RADM LARRABEE: Are you going to include
11 those comments from yesterday that she typed up in that
12 sheet?

13 MR. RAINEY: Let's bring those up here. If
14 it's off these, let's raise them now so that we have them
15 included. So pulling from the operating principles or
16 from the bullets, from some folks whose strategic plan we
17 want to identify, any specifics off of there, and then add
18 them and discuss those a little bit -- but is what we have
19 on the screen --

20 MR. DASLER: You might just add the
21 capacity, just to make it clear when we talk about
22 capacity, is to include that cartographic throughput as
23 part of that capacity so it's not just survey capacity.

24 CAPTAIN PARSONS: Monica, can you go back to
25 the bullets?

1 MR. DASLER: So after increased capacity, we
2 can add, comma, including cartographic throughput, comma.

3 CAPTAIN PARSONS: How about to reduce survey
4 and processing backlog?

5 MR. DASLER: Yes.

6 MR. RAINEY: Larry, did you have a specific
7 one you wanted to add?

8 MR. OSWALD: What was the question?

9 MR. RAINEY: I guess I was asking Larry if
10 he had a specific issue he wanted to add.

11 MR. WHITING: Well, I put five of them down
12 there yesterday, and they're on the front page. My
13 opinion is that NOAA has tied their core capacity in
14 40-year-old survey vessels that are -- NASA's use of the
15 space shuttle is the future. Why not get something like
16 the SWATH vessel instead of putting 30 million dollars
17 into refurbishing.

18 MR. RAINEY: When I look at this, Mike, do
19 you think these are recommendations or conclusions that
20 would come out of and go forward and come out of looking
21 at the funding levels of mission critical equipment? Some
22 of the things that we haven't identified in this process,
23 and if we organize and chase down those paths, we are
24 going to come up with those on the way, is, I guess, my
25 take on it.

1 MR. GRAY: I agree with you. If we get the
2 top bullet there and the second bullet so that we get
3 sustained funding and so forth, that's liable to increase
4 by the fourth one, increase the capacity to reduce it and
5 then here are where these five things come in. These five
6 things in Larry's list fully implement PORTS. That's
7 going to be a contingency recommendation. You need money
8 to do that. These other things, the SWATH vessels and so
9 forth like that, those are just -- those are things that
10 will facilitate achieving the result we want.

11 MR. DASLER: The only other thing we might
12 add, it kind of goes along the line with what Dr. Spinrad
13 was suggesting, was addressing NOAA's staffing issues.

14 MR. GRAY: First you have to define that we
15 want more done faster, don't you? There is no point in
16 building more vessels or increasing the staffing levels if
17 you haven't decided that you have to do more work.

18 MR. DASLER: Even if it's just maintaining
19 the staff, I think is an issue of what Dr. Spinrad is
20 trying to elude to.

21 CAPTAIN PARSONS: In which one?

22 MR. DASLER: Well, this is under your
23 working group too, but I think that was also in the letter
24 of key things, actions required to maintain in-house
25 expertise and minimum core capability. There was

1 something else too he had, specifically about maintaining
2 that staff.

3 CAPTAIN PARSONS: You're talking about core
4 capability.

5 MR. DASLER: Staff, I think, is a key
6 component of core capability.

7 RADM LARRABEE: It seems to me that one way
8 of looking at this thing that we created is, it's almost
9 like a statement of work for us. So if you look at it in
10 terms of things that we think we need to do as opposed to
11 conclusions we all come to, you can begin to make a couple
12 of changes. Increase the capacity, reduce survey, and
13 processing backlog, that sounds to me like a conclusion or
14 a recommendation. I'm not sure we are there yet. I
15 couldn't honestly say that that's necessary.

16 MR. DASLER: You could say evaluate.

17 RADM LARRABEE: Okay. All I'm saying is,
18 you want to put it into the form of a statement of work as
19 opposed to conclusions and recommendations. We are not
20 there yet.

21 MR. RAINEY: And to me that's a subset of
22 your comment that I tried to capture earlier in my mind,
23 but I don't know if everybody agrees with me, but that
24 goes into -- if you look at the current status, if you
25 look at what are the requirements and needs of changes to

1 that, that's the bulk of where we want to go and that
2 would be part of that analysis, is my way of thinking.

3 RADM LARRABEE: It seems to me that the only
4 opportunity that NOAA could have to sort of change its
5 funding process is if you somehow clearly articulate --
6 we've created new expectations with an improved set of
7 recommendations from the Ocean Commission and the PEW
8 Report, and we have assessed NOAA's capability to handle
9 that, and low and behold we have discovered this huge gap
10 between these two things, and now we have to fundamentally
11 change the strategy by which this agency operates. And
12 part of that, ultimately, is the way we budget. That's
13 where -- and then you sort of create a hole that you can
14 put PBS in as a results based budgeting process that
15 begins to eliminate the line item process.

16 MR. RAINEY: To me that would be one of the
17 working groups. That would be a statement of work. We'd
18 structure around that, and then we have something.

19 RADM LARRABEE: It seems to me that we have
20 to in our own minds begin to formulate a clear picture of
21 what it is that's going to be able to define NOAA's
22 success. I mean, if we sat here today and said, okay,
23 tell me when you think -- you know, give me the issues
24 that you think that you would use to judge whether NOAA's
25 successful or not, we all have our opinions about that,

1 but I think that's really what we are ultimately trying to
2 achieve. I think that's an important plan, you know, how
3 does any organization measure its performance, and you
4 have to measure it against the set of expectations.

5 MR. RAINEY: Would this be appropriate then
6 to ask that in proposed working group two? What I had
7 thrown out, that's what I was trying to accomplish with
8 that. That's what I'm trying to propose. Is that an
9 acceptable statement of that to start on? Then we'll pull
10 in Admiral Larrabee's, Admiral West's and everybody's
11 comments to line up with that under a working group. In
12 other words, edit it and stand up a group that would be
13 willing to work on, to focus on that.

14 RADM LARRABEE: I think that's one of the
15 fundamental things. Again, we need to get a head nod from
16 NOAA, from Commerce, and people like ONB and the Hill. I
17 think that's clearly a conversation that -- we need to be
18 able to get comfortable with the statement of work. Once
19 we have done that, we then need to go out and say --

20 MR. RAINEY: I have an initial approval
21 on -- the three that are three, is what I had in my mind,
22 and I have already gotten preapproval to go forward on
23 those if we want to. So we do have that step. I realize
24 what you're saying is beyond what I'm talking about, you
25 know, to go to those places and get inputs from them to

1 inform that process, but I can report back to say that
2 Dr. Spinrad at least has had a look at that. We need to
3 obviously fine tune those.

4 RADM LARRABEE: I would add to that the
5 performance measure as a subset of that.

6 MR. GRAY: I think the essence of two is
7 still up in the preliminary air. We evaluate NOAA's
8 mission and the Nation's current and future needs, public
9 views and stakeholder requirements, and NOAA's capacity to
10 meet these challenges. That's really the guts of it, I
11 think, to start, because that's the thing you have to
12 determinate of NOAA's constituents, what do they want.
13 You don't do the other things until you find out what you
14 need to do more.

15 MS. BROHL: The second one, was that found
16 to be the one -- regarding the Panel would like to be
17 consulted on setting priorities for spending hydrographic
18 services, was that found to be part of what you decide
19 what the mission is? Do you want to -- it's found to
20 be -- or is it a separate item, that it kind of goes with
21 any one of these areas, or was that --

22 MR. RAINEY: What we had when we started out
23 was that paper, which is the individual comments that we
24 had, and then what we have on the screen, the original
25 thing we had this morning. So what we are trying to do is

1 have that in front of us in addition to the proposed
2 operation principles. The first little round we took in
3 after lunch is to try to make sure everybody had their
4 issues that they thought were important covered, and now
5 we are trying to take the next step into organizing that
6 into a structure so that we can pursue them.

7 MS. BROHL: I understood that, but --

8 MR. RAINEY: So those were not individually
9 voted up or down or necessarily handled. We had some
10 discussion saying that some of these are conclusory
11 recommendations that will fit into the process.

12 MS. BROHL: I understand. And I apologize
13 that my meeting went late, but I guess since this is an
14 area in which -- when you ask for other comments, it is an
15 area that I am interested in. I just don't know whether
16 after Bill talked about some of these being more just a
17 follow up to some of the other issues, where it fits in
18 there.

19 MR. RAINEY: My answer to you probably
20 wasn't as precise as it could have been. We talked
21 specifically about performance metrics, and in the
22 Strategic Plan, the corporate performance measures, so we
23 said that -- we did say, yes, that in this role of
24 missions and in this process we want to know where they
25 are and develop those and have input to them. So I think

1 that's a better concise answer. I think that was where we
2 were.

3 MS. BROHL: Okay. That's all I wanted to
4 know. As long as it's covered, because I think it's an
5 important one, especially if you're talking about trying
6 to keep the priority on funding the critical missions,
7 whether they're equipment or otherwise.

8 DR. LAPINE: I guess I'm more of a hands-on
9 guy. I like to get things started and then let them
10 adjust as we go. We have three good core areas. Why not
11 divide them up and let the group flush out the details of
12 each one of them, and we can do it by e-mail or however we
13 need to do it and get back to you. We can sit here all
14 day and seesaw back and forth on this.

15 MR. RAINEY: I appreciate that, and I'm
16 happy to entertain motions on what we should stand up and
17 move forward. I just want to make sure that I had an
18 opportunity, with everybody sitting here, that everybody's
19 felt like they've had the opportunity to get their issue
20 on the table or the direction that they want to head,
21 because we need to move out now. So I don't want to leave
22 anybody out of that. But I would certainly -- I think we
23 have plenty of issues here. It's really now a matter of
24 grouping them and figuring out who is interested in
25 pursuing specific things.

1 DR. LAPINE: I have an issue, which I can't
2 quite eliquate to the group right now, but I think it's
3 going to fit in one of these three. So when I get it
4 figured out, I'll make sure it works in the group I'm
5 assigned to. There is something about the horizontal
6 component that's missing, which is critical to speeding up
7 survey and backlog and all that, but I can't quite put it
8 into words right now.

9 MR. RAINEY: The only thing I do want to
10 really ask us, if we can get to it, as Admiral Larrabee's
11 point is, I want to leave today with us having agreement,
12 I don't care if it's a whole big long thing, but on
13 something that is a statement of work. What is it that we
14 are leaving here to go do, so that you-all know we are
15 doing something, and don't wait for me to get something
16 back out on e-mail saying, okay, here's what's going to
17 happen at the next meeting and for me to try to sort of
18 divine that. I want us to have at least a start on a
19 statement of work that we are going to attack and come out
20 of here on how we'll proceed.

21 MR. GRAY: I think that the first three
22 bullets could be that statement of work, and I would think
23 also that they could -- in a sense, one and two might even
24 go together, because as Admiral West has told us, we
25 already know the funding situation is so atrocious that

1 that needs work to make it a sustained level when that
2 level is determined.

3 I think what needs then to be done is to
4 appoint a work group that will work on those issues in a
5 way that they can bring back in a suggested action plan
6 from them that then, I would say, should be put in front
7 of the Panel a month or so before our next meeting in
8 March, something like that, just to get a start on it,
9 what we want to do, what we recommend the Panel doing, and
10 have it in the hands of people three or four weeks before
11 we get together four months or three months from now.

12 That may not sound like much, but I think to
13 get something going -- if we are to define the core
14 capabilities of NOS, that some of us would like to see
15 them do -- we'd like to certainly maintain, and, we think,
16 actually, vastly improve, which is the conclusion that
17 some of us have already come to, then we have to set out a
18 work plan that divides the data that is the substantiation
19 for why we put it forward, and that vast increase is
20 needed to do just that. That's just for the core things,
21 and to me that's critical area surveys and the
22 implementation of PORTS and so forth, to get the
23 navigational data that they would supply into the hands of
24 the users at a much faster pace than is being done right
25 now.

1 One, two, and three, because of what Admiral
2 West said about what we can anticipate is going to come
3 out of the Ocean Commission recommendation, I think
4 however that thing goes, unless it totally craters and
5 they just plain throw it away.

6 We have already been alerted that NOAA is
7 going to be asked probably to do a lot of things that it
8 doesn't presently have on its platter, which would suggest
9 increased capability is surely going to be needed, and
10 therefore getting a jump start by putting a work group
11 together to deal with issue three, to start understanding
12 what's in the Ocean Commission's recommendation package
13 that will impact NOAA, especially as the NOS part of this
14 Panel is concerned, would be affected. So I would say put
15 one and two more or less together as one kind of work, and
16 then three as another work group.

17 MR. RAINEY: It's a little awkward here for
18 me to put the motion in play, but is there any opposition
19 to having a motion that we stand up a working group on
20 Hydrographic Services Roles and Missions with essentially
21 the description, as Bill Gray just talked about here, that
22 is written in this initial statement of work which would
23 include the three bullets as posted on the view graft?

24 MR. ARMSTRONG: I would be inclined to put
25 all four together.

1 MR. RAINEY: Right. I'm sorry.

2 MR. ARMSTRONG: Everything that's showing,
3 at least to me, seems to fall under that, well, even the
4 metric system.

5 RADM LARRABEE: Specifically the metric
6 system.

7 MR. GRAY: What I suggested, I feel the
8 increased capacity certainly would be needed, but we
9 couldn't right now I think go to Admiral Laudenbacher and
10 say we know you need increased capacity when we haven't
11 got the substantiation of that, which I assess may have
12 been a little bit of what our initial recommendation
13 encountered. We haven't made the case strongly enough.
14 But if you want to put it all in one thing, so be it.

15 CAPTAIN MCGOVERN: Is there anything in
16 there that doesn't fit?

17 MR. RAINEY: The last bullet contains a
18 different subcommittee, and that's in the interest of what
19 we were talking about, the third working group that I
20 initially proposed. Folks, I apologize, I'll be right
21 back, but what I guess I want to get us to is, can we have
22 motions from the floor to set up a working group, what
23 it's going to cover, and I think maybe we are close to
24 that. I'll be right back.

25 CAPTAIN PARSONS: Is there a motion?

1 RADM LARRABEE: I'll so move that we set up
2 a working group composed of five people so that we can
3 deal with e-mail to handle the hydrographic survey and the
4 data as stated there, hydrographic products and services.
5 Just so they include the core capabilities of the private
6 sector, the fleet, equipment, emergent technology
7 products, all these things encompassed.

8 CAPTAIN PARSONS: Does it fit within the
9 frame work of what Scott earlier suggested with these
10 three working groups?

11 MR. DASLER: You could just take all of
12 those and lump them into working group two is probably
13 what -- I mean, that seems to be --

14 RADM LARRABEE: Roger, help me understand
15 entirely what NOAA is doing right now to look at the two
16 reports that we've talked about over the last two days,
17 and how NOAA views the reprioritization of their missions
18 and capability to encompass those.

19 CAPTAIN PARSONS: I think it's safe to say
20 not only NOAA but other federal agencies, regardless of
21 the White House endorsement or lack thereof, the
22 Commission's report will have already taken, as the
23 Admiral has indicated, has already taken a lot of these
24 recommendations to heart and are acting on them, for
25 instance, the integrated approach to ocean mapping or the

1 need to coordinate federal activities in ocean mapping.

2 There is also a move underfoot between NOAA,
3 U.S Geological Survey, a number of areas in the Department
4 of Interior to coordinate mapping activity. That doesn't
5 need the blessing of the White House to go forward on
6 that, and there is a host of recommendations throughout
7 the report, two hundred and some odd recommendations that
8 I think most federal agencies are already moving ahead on
9 because they're sound recommendations.

10 RADM LARRABEE: I will say, just in terms of
11 what we have outlined for this group, you're taking on a
12 full-time job. That's what you have committed yourself
13 to.

14 CAPTAIN PARSONS: You have to narrowly
15 identify the task.

16 RADM LARRABEE: So even if you're
17 recognizing that you need to separate out the
18 recommendations that don't have anything to do with
19 Hydrographic Services, the reality is you're taking on a
20 full-time job to completely understand the new set of
21 expectations, NOAA's capability. I'm not sure where I
22 would start, but I can tell you it would take me more than
23 a couple of hours to sort of sift through what I think
24 NOAA's capability is. Then to be able to somehow develop
25 some sort of thought process that allows you to match

1 together and define the statement of work, but eventually
2 we recommend that NOAA does the following things.

3 CAPTAIN PARSONS: There is no expectation
4 that the individual members of this Panel is going to be
5 able to pull all that information together.

6 RADM LARRABEE: I think up until we've had
7 this conversation -- at least I'm sitting here thinking I
8 guess I better go read some of this stuff.

9 CAPTAIN PARSONS: A lot of this information
10 can be provided to the Panel, either in the form of
11 written documentation or a brief or whatever it happens to
12 be.

13 DR. LAPINE: I sort of take a middle of the
14 road there. I think a lot of this information is
15 available, but there is some that isn't, and we are going
16 to have to do some of this work, sort of in between what
17 you are saying. There are things the NOAA doesn't know
18 and can't answer these questions, but I think with our
19 expertise we know who to ask.

20 MR. GRAY: Back to what I said, why don't we
21 go and find out what the customers really need for safer
22 navigation in this country.

23 RADM LARRABEE: Somebody has already done
24 that, Bill. That's what we pay the Ocean Commission to
25 do.

1 expectation with capability is another task that is a
2 full-time job. Finally you get to a point where you can
3 now say with some level of confidence, gee, there is a gap
4 here, and now the whole issue of what do I do about it
5 becomes a whole set of new requirements.

6 MR. RAINEY: It's a GAO report.

7 RADM LARRABEE: Absolutely. I for one am
8 not able to provide that much support. Now, if NOAA is
9 doing it or if there is some sort of collective group of
10 federal agencies that have put their heads together and
11 have already started this process, here again, we find
12 ourselves in an advisory capacity. My advice to NOAA is
13 that they do this. I don't think I want to do it.

14 MR. GRAY: NOAA is going to have to do --
15 NOAA's staff has to do most of this work.

16 RADM LARRABEE: This is not something that
17 we can --

18 MR. RAINEY: We can advise something when
19 they have something along the way on the corporate
20 performance measures and things like that.

21 RADM LARRABEE: Our recommendation should be
22 that NOAA does it.

23 CAPTAIN PARSONS: But you have to define
24 what you're asking for.

25 RADM LARRABEE: The committee can get

1 MR. GRAY: From what I've heard of the Ocean
2 Commission Report, I don't think it's really --

3 RADM LARRABEE: But we have to see the final
4 report. The PEW Commission did some work. There are
5 other reports out there that made recommendations in the
6 past that look an awful lot similar to some of the
7 recommendations --

8 MR. GRAY: To be totally immodest, I would
9 imagine that what I put in the Port Terminal Safety Study
10 in 1996 and what I wrote to the MTS report in 1999
11 probably did a better job of it than the Ocean Commission.
12 If people want to do it and say come on and take a look at
13 this stuff NOAA, maybe that would do it, I don't know.
14 But what I was suggesting by going to the customers is to
15 go right now in the near future back to selected customer
16 groups and get them to say what they feel about some of
17 these things, about the way in which the critical area,
18 backlog is reduced, about the rate in which FORTIS
19 installations are installed. And from what Admiral West
20 has said, somebody else, him, or something like that,
21 mapped out -- but this stupid earmark system has got to be
22 abolished and get the core capabilities of NOAA put on a
23 sustained predictable funding.

24 CAPTAIN MYRTIDIS: Why do we have to go out
25 and ask?

1 MR. GRAY: If this group is happy to just
2 take experts from things that varieties of organizations
3 have already said, fine. I think there would be no
4 particular difficulty in going to other constituencies and
5 have them say what they've already said many, many times.
6 But it hasn't done much good, because we still have this
7 13-year backlog, and we still have the fact that there is
8 no federal funding of PORTS, there are only nine of them
9 installed or something like that. Everybody has to pass
10 the begging bowl around.

11 CAPTAIN HICKMAN: I don't mean to be rude,
12 but you're going to lose three panel members in about a
13 minute here, and I don't see us coming to a conclusion of
14 who wants to be on any particular group. I'm certainly
15 willing to be on one of them. This is a great opportunity
16 to throw me in one you don't want to be in. I just don't
17 see us doing anything within the next minute, but I just
18 wanted to bring that to your attention. Our vehicle is
19 here.

20 MR. RAINEY: The real issue seems to me,
21 whether we want to sit as a committee, and if NOAA brings
22 it to task, we can try to answer it, you know, advise on
23 the specific thing, or do we have the capacity to
24 self-start on some work that we want to do, you know, on
25 these issues. I don't know if we have a fundamental

1 agreement on that.

2 What I need is motions from the floor on the
3 way to proceed and vote it. I think we have discussed a
4 lot today. I think there has been really valuable input,
5 but we have to be able to present something that we can
6 vote on and have a way to proceed.

7 At the end of the day it would be good to
8 have issues that we are going to pursue rather than just
9 wait and see what is going to happen, schedule our next
10 meeting, see if NOAA hands us something in the interim.

11 CAPTAIN PARSONS: Can you establish the top
12 two or three priorities that you want this Panel to
13 tackle?

14 MR. DASLER: If we just look at the working
15 groups as you outlined them and then lump these into
16 working group two, it may be a larger working group which
17 we may have to break out later, but --

18 MS. BROHL: Can the working groups come up
19 with the priorities?

20 MR. RAINEY: Absolutely. My thinking is,
21 these would be the topics of that focus group, five of us
22 on the panel or whatever it wants to be, nine out of ten
23 of us, whatever, and that group would assemble, and then
24 these would be the areas that they would be looking at.
25 They might tackle the questions put to us by Dr. Spinrad

1 that falls under that, or come up with a work plan and
2 flush it out as we move forward. But that would be one
3 structure, and that's one way to do it. That seems to
4 make some sense to me.

5 MR. SKINNER: Is there a motion on the
6 floor?

7 MR. RAINEY: No.

8 DR. LAPINE: Well, it never got seconded.

9 MR. SKINNER: A formal motion? I think the
10 point is that if we can't get something going here, we
11 will never at the end of year, when we've spend 250,000 --
12 we'll still be arguing about committees.

13 MS. DICKINSON: I think Jon basically did.

14 MR. DASLER: Yes, I was making a motion to
15 basically accept this working group as is and lump those
16 into working group two.

17 MR. SKINNER: Second.

18 DR. LAPINE: Jon, all three working groups?

19 MR. DASLER: Right.

20 MR. GRAY: Why try to do all three? Why put
21 something in IMOS and ICOS and all the rest of that stuff.
22 That's not our core mission. It's not NOS's core mission.

23 MR. ARMSTRONG: Is everybody going to be in
24 a working group or only some of us?

25 MR. SKINNER: I say you go with the three

1 that we've been talking about, if one of them isn't
2 relevant or germane, then at the next meeting we vote to
3 get rid of it.

4 DR. LAPINE: I would make a friendly motion
5 that we concentrate on just the first and see what we can
6 get done.

7 MR. GRAY: Do you mean working group one and
8 two? Why working group one? What it's going to do?

9 RAIM LARRABEE: Well, one of our priorities
10 is, you said, getting PORTS and --

11 MR. GRAY: All right. Let's put that in
12 there. Okay.

13 DR. LAPINE: Bill, I'm not really concerned
14 about what the bullets are in either one of these right
15 now. Let the subcommittee figure out what the bullets
16 are.

17 MR. RAINEY: That's the only way to get us
18 out of the block.

19 DR. LAPINE: My friendly motion is to stick
20 with two working groups instead of three. Is that
21 accepted by --

22 MR. DASLER: Yes.

23 DR. LAPINE: Does the second accept that?

24 MR. SKINNER: Sure. I'll accept anything at
25 this point.

1 RADM WEST: I think there is a third group,
2 and it better happen pretty quickly, and it better be you
3 and it better be Helen and two or three other folks, to
4 get your buns over to NOAA, to ONB, to Commerce, to the
5 Hill right away. So I think you need to take two or three
6 other folks with you, because you'll only end up with one
7 or two that can ever come, but you need to do that right
8 away. I feel strongly about that.

9 Now, five of us reviewed the entire research
10 enterprise of NOAA in nine months, five us did. Do you
11 know who did all the work? Well, we worked hard, but NOAA
12 has got to turn, burn, and support all of this stuff.
13 You can't just sit back and say, well, the FACA is going
14 to do this. You have to go back and do all the homework,
15 get the people set up, set up the dates for these folks,
16 get a bunch of briefings for us, for the subcommittees
17 when they're ready, and if they can't meet, then you have
18 to send it to them. There is a lot of work on NOAA's side
19 to make this happen. We can't do this, as the Admiral
20 said.

21 DR. LAPINE: Admiral, I think all we are
22 trying to do is set up the working group, not accomplish
23 the work before the next meeting. If we set up these
24 working groups --

25 RADM WEST: But if you don't understand

1 what I just said, until next March we've missed the boat
2 here.

3 CAPTAIN MCGOVERN: I guess my thing with
4 this whole thing is, we are sitting up a working group and
5 we don't know what they're going to do yet. Maybe the
6 other way is to say this is the work we need to get done,
7 break it down into bites that different groups can handle,
8 and then say, okay, now we have working groups. This
9 working group takes this task or assignment, whatever you
10 want to call it, and this working group does this task,
11 and this working group does this task.

12 MR. RAINEY: I don't disagree with either
13 approach. It's a chicken and egg. I have been trying to
14 move it on either track, and we are absolutely deadlocked
15 at one function here, and it seems that I -- that's a
16 valid point, and that's actually how I wanted to try to
17 proceed, is not set up these shells without nothing to
18 fill them with, but at some point we have to organize
19 them.

20 CAPTAIN MCGOVERN: Maybe we should look at
21 that other thing quickly. You mentioned it before. Do
22 you want to look at it? What is it, Tab 8?

23 RADM LARRABEE: If you did establish three
24 working groups and the three working groups got together
25 and refined the statement of work, forgetting about who is

1 doing it, here is the issue that needs to be done, and
2 everybody agrees, we give that to the Administrator and he
3 says, yes, you're right, these things need to be done,
4 then once you get that agreement, the next step is who
5 actually does the work. And that may be a NOAA staffer
6 that does it or it may be us doing some part. But I think
7 until you figure out what it is you want to do, the rest
8 of it is -- well, what happens if we form our three
9 working groups? There are three parts of NOAA. Split up
10 their priority list by the way that NOAA's split up right
11 now, and let's go on about our business.

12 MR. RAINEY: By line office?

13 RADM LARRABEE: By Coast Survey or CO-OPS
14 and --

15 MR. RAINEY: That's another idea.

16 RADM LARRABEE: And NGS, and just say there
17 are five of us on it, and one of those people they are
18 pulling from each one of the -- NOAA, is our contact
19 there. Five people should have something to say about it,
20 and we have three groups, all split up.

21 MR. ARMSTRONG: Are we trying in some sense
22 to integrate this as opposed to separate it out again?

23 RADM LARRABEE: I have no problem with
24 dealing with FORIS. I have no problem with dealing with
25 the survey capability. I would like to be on all three of

1 them. I probably have the time to do all three. And I'll
2 sign that form too. I don't have any problem with that,
3 because I want to have some input in it. This is why I
4 applied for this thing.

5 MR. ARMSTRONG: I think one thing to
6 consider is that the chairman has gotten some advance
7 approval for these three working groups. I think they're
8 broad enough that we can take pretty much everything
9 that's on the board and fit them into one of those groups
10 and then focus on the three or four that we think are most
11 important.

12 CAPTAIN MCGOVERN: You read the charter and
13 the bylaws, and it talks about we need permission to set
14 up subcommittees, and then you call these working groups.
15 Do we need permission to do working groups or --

16 MR. RAINEY: We absolutely do. We checked
17 on that. I want to be clear on that.

18 CAPTAIN MCGOVERN: Well, again, this talks
19 about subcommittees, this says it's a working group.
20 They're not necessarily the same thing.

21 MR. RAINEY: I explained it this morning. A
22 subcommittee is a subgroup that's formed of only members.
23 A working group is formed of members. It's chaired by a
24 member, but it can include outside people not on the panel
25 on it. Both will require DOC Counsel's -- both require

1 Admiral Laudenbacher's approval to stand them up,
2 especially more so because of the compensation issues that
3 we talked about. So that's the distinction under FACA.
4 So I thought I might have some relief if I called it one
5 thing or the other, but the thing that I'm -- those
6 requirements are determining.

7 DR. LAPINE: Even though the bylaws say
8 subcommittee, a working group --

9 MR. RAINEY: It's the same. All you do
10 there is you also allow for somebody that is not a panel
11 member to sit on that and do the work on that topic.

12 RADM WEST: I'd challenge him on that.

13 CAPTAIN PARSONS: I'm sorry?

14 RADM WEST: I would challenge him on that.
15 It would be no different than Scott asking Bill or Elaine
16 to go off and do a little bit before the next meeting.
17 There is no difference, and they would do that under our
18 current --

19 MR. RAINEY: Some of this stuff, some of the
20 answers coming back seem --

21 CAPTAIN PARSONS: But again, none of that is
22 prohibited.

23 MR. GRAY: It is permissible for us to
24 proceed in this way?

25 CAPTAIN PARSONS: Correct.

1 MR. GRAY: I'll sign this form too, as far
2 as that --

3 CAPTAIN PARSONS: It has nothing to do with
4 the form.

5 MR. GRAY: Basically, these things should,
6 as a start, have nothing to do with the money side of this
7 thing, because we are not foreseeing travel to do this.
8 It's all going to be done through the phone, e-mail, and
9 so forth, at least to start.

10 CAPTAIN MCGOVERN: You never know.

11 MR. GRAY: At least to start?

12 CAPTAIN MCGOVERN: Yeah, but you never know,
13 though. If you're talking like the Admiral's talking,
14 like going to visit ONB and those things, it's going to
15 involve --

16 MR. GRAY: Yeah, that would do it. I agree.

17 CAPTAIN MCGOVERN: Unless you try to keep it
18 to the people that are in the area, the people inside the
19 beltway. I would have to put in for travel.

20 MR. RAINEY: We have a motion that's on the
21 table and a second to adopt the first two; is that
22 correct?

23 DR. LAPINE: Before you vote, I can resend
24 my friendly motion, but I think everybody wants three
25 committees, three working groups. Is it two or three you

1 want?

2 MS. HICKMAN: I think two to start with.

3 DR. LAPINE: Just the two to start with?
4 Because that's what the friendly motion is right now. I
5 didn't want you to vote until --

6 MR. GRAY: What happens to -- Admiral West
7 said that the chairman and selected others he might want
8 with him should start making visits between now and --

9 CAPTAIN MCGOVERN: They're not a working
10 group. That's the chairman and --

11 MR. GRAY: That's not a working group
12 function?

13 MS. BROHL: It depends on if you look at it
14 as outreach and information. I guess I'm asking for you
15 to clarify.

16 RADM WEST: We are making this so hard that
17 I'm so frustrated that you don't need me anymore. We are
18 an advisory group, and to make good advice you have to
19 find out information. One of the things I think, we all
20 need to know, in my opinion, is we need to know where the
21 Hill is on this. I'll say this again. We don't have to
22 have permission from anybody to go do that. If anybody
23 tells us that, tell them to get lost. We are getting
24 totally bogged down in subgroups. Sue me later or
25 something.

1 The only reason I'm telling you to take a
2 couple of other people with me is because it's better to
3 have two or three other ears when you're talking to the
4 Hill for continuity purposes, because sometimes you
5 misinterpret, and that's the only reason I say that. It's
6 best that you use somebody inside NOAA so that it doesn't
7 cost money, but if you need somebody, pay them. We are
8 not doing this on the cheap and it's not that expensive.
9 We don't have to ask Admiral Laudenbacher to ask groups of
10 us folks to do specific things before next March. I just
11 disagree with that totally. If somebody tells you that,
12 tell them to call me up. That's asinine.

13 DR. LAPINE: I want to believe what you have
14 to say, and I do believe what you have to say, but we do
15 have -- call them what you want, but we can get something
16 going before the end of this meeting.

17 RADM WEST: Well, I'm not against that.

18 DR. LAPINE: And as far as going to the
19 Hill, if there is some way I can come to Washington and
20 go with you -- I don't care if I'm designated on a
21 subcommittee or not. I would go with you. So there are
22 two issues here. These are working groups to try to take
23 care of some business, committee business. That's all.

24 CAPTAIN MCGOVERN: That's the motion.

25 MR. RAINEY: Okay. So this is on the two

1 working groups. All in favor?
 2 THE PANEL: Aye.
 3 MR. RAINEY: Opposed?
 4 THE PANEL: (No response.)
 5 MR. RAINEY: The next question would be if
 6 anybody is interested in chairing either of the two and
 7 who wants to be on them. I'm not going -- I would not
 8 tend to want to be a chair of a subgroup also. I'll work
 9 with any working group.
 10 MR. SKINNER: You shouldn't. Can I suggest
 11 that we do that by e-mail, because we have a fairly
 12 large -- well, three people have already left and maybe
 13 just to move things along we can do that electronically.
 14 Is that acceptable to everyone?
 15 RADM LARRABEE: Could we discuss who might
 16 want to be on them?
 17 MR. RAINEY: I understand what you just
 18 said, Tom, but if we walk away here and this is all
 19 e-mail, it isn't going to happen.
 20 RADM LARRABEE: When they get amongst
 21 themselves they can figure out who is the Chair.
 22 DR. LAPINE: Why don't we have two interim
 23 committee people who will organize and the committee can
 24 elect their own chair.
 25 CAPTAIN MCGOVERN: How about we elect -- we

1 have three people here that are missing and only two
 2 subcommittees. I think this is pretty easy.
 3 MR. RAINEY: Let's take working group one.
 4 Monica, can you help me record this? What we have done
 5 is, we have gone ahead and stood up two working groups.
 6 One working group is on Modeling and Observation Systems.
 7 I would like to get a list of individuals who are willing
 8 to be on that. It seems to me you can be on more than
 9 one. Who would be interested in working on issues on
 10 Modeling and Observation Systems?
 11 THE PANEL: (Responds.)
 12 MS. CISTERNELLI: Larry Whiting, Tom
 13 Skinner, Helen Brohl, John Oswald, Mike Szabados, and
 14 Andrew McGovern.
 15 MR. RAINEY: Group two, Hydrographic
 16 Services, Roles and Missions.
 17 RADM WEST: By the way, while we're counting
 18 folks, Spinrad has done an assessment of the Ocean
 19 Commission. Can you get us a copy of that documentation
 20 so we can all see that?
 21 MS. CISTERNELLI: Andy Armstrong, Lewis
 22 Lapine, Jon Dasler, Admiral West, Admiral Larrabee, Bill
 23 Gray, Elaine Dickinson, and Larry Whiting.
 24 MR. SKINNER: And e-mail the people that
 25 aren't here.

1 MR. RAINEY: We'll take what we have and
 2 melt it into the discussion that we have written and we'll
 3 get it out as soon as we can, and work the consensus and
 4 proceed from there. We'll follow up on the meetings, the
 5 leadership, and find a way to do those meetings.
 6 The other thing we went over this morning, I
 7 think, in pretty clear detail, but just to reiterate so
 8 that there is no doubt about it, we are going to forward
 9 those recommendations through NOAA to the dockets so that
 10 they can go ahead, and that will be folded into and
 11 included in an enclosure so that we have the actual
 12 recommendations, and with a cover letter to the
 13 Administrator that represents the work that was done at
 14 this meeting. Is there any other business before we open
 15 for public comment?
 16 MR. SKINNER: I just want to talk briefly
 17 about the project to date I was talking to you about
 18 earlier, and clearly I think it fits into Group No. 1, so
 19 I didn't want to raise it to any of our discussions, but
 20 it stems from some thoughts I had after Captain Parsons
 21 this morning talked about the need for this group to have
 22 some deliverables as it gets reviewed higher up.
 23 Last night Helen and I had a discussion,
 24 Helen, in her role with the Great Lakes Shipping
 25 Association and my role as PORTS member of the Gulf of

1 Maine Ocean Observing System, and some of the overlaps
 2 between the two, and I had a subsequent conversation with
 3 Mike and a brief discussion with Scott about seeing if we
 4 can come up with a protocol or an agreement or -- I don't
 5 know what the product would be, but about how the two
 6 PORTS and an ocean observing system could be where it
 7 makes sense to overlap, whether you use the PORTS
 8 structure or a PORTS facility or a PORTS buoy or GMOOS
 9 type buoy. I hope I'm capturing that accurately. Right?
 10 That is what we talked about?
 11 MS. BROHL: Yes.
 12 MR. SKINNER: Okay. Captain Parsons'
 13 comment made me think that maybe if that actually gets
 14 somewhere, that maybe at the end of this there might be a
 15 proposed MOU or proposed protocol for how long to do that,
 16 and rather than do that separately, that maybe this Board
 17 or this group would like to adopt that as something to
 18 push forward, so if we actually do come up with something,
 19 we'll have a product in ten months or however long it
 20 takes.
 21 I don't want it to be one of the things that
 22 the committees tackle, because I don't want them to get
 23 sidetracked from some other things, because I think we are
 24 sort of pursuing this based on our roles outside of this
 25 group. But it might be something that if it was in the

1 record that we are actually looking at doing this, if we
2 are successful and hopefully we are, it would be a nice
3 thing to point to at the end of the first year.

4 MS. BROHL: We did talk about it outside of
5 our roles of the Panel, and it is a little different, but
6 it is under Working Group No. 1, and we can maybe bring
7 it up under the working group, but it does deal with some,
8 I think, immediate issues and needs to value add programs
9 to integrate them intellectually as well as from the data.

10 Do you want to wait and try to do this --
11 come up with something separately that we put to the
12 committee or to the working group as one of the things, or
13 we actually do a little homework on it and thereby we can
14 come up with something that goes through the subcommittee
15 and comes out?

16 MR. SKINNER: I hadn't thought that far
17 ahead. It was something to lay out here if people -- if
18 there is sort of a sense -- I don't know if this group
19 can do a sense -- if for the committee this is a good
20 thing to follow up. I was just looking for something that
21 somewhere in the record that this Board, this Panel says,
22 yeah, go look at this, and if it happens to bear any
23 fruit, you can go back and say check mark, mission
24 accomplished. So it doesn't matter to me what format it
25 takes. If people think it's a good idea, we can do it any

1 way we want. If people are a little bit reluctant about
2 it, then let's just shelf it, and we'll just do it in --

3 DR. LAPINE: You're all in the same working
4 group. Decide if you want to take it up as one of the
5 items in your working group.

6 MR. ARMSTRONG: We have spent a lot of time
7 this morning thrashing around some of those issues as a
8 problem. If you can solve it in a working group, then
9 they won't have to revisit those issues.

10 DR. LAPINE: If you come up with something
11 in your working group, so much the better. Bring it back
12 from that point of view.

13 MR. GRAY: You know, one other thing, we
14 talked a little bit at lunch today about the fact that we
15 made recommendations at our first meeting and we got the
16 answer today or yesterday that Spinrad said what Spinrad
17 said. I think some of us feel we should make the
18 recommendation again and send it to the Administrator and
19 that we should choose our own words to do so. We make the
20 recommendation, and then we can explain why we made it in
21 the first place and why we feel it's a very important
22 thing to do and that it should be copied to Dr. Spinrad
23 and so forth. Whether you want to prenotify him or
24 something like that -- apparently I don't know the
25 niceties of all this, but for some of us the guts of that

1 recommendation has been on our agenda for quite a few
2 years, and to have it cut off in the first move that we
3 made, even if it was because we didn't do it
4 diplomatically, I don't think is acceptable.

5 As one member of this Panel, I think we
6 ought to do that, whether it was addressed to Admiral
7 Laudenbacher, assuming it was just a written -- this is
8 what the Panel feels. I would be happy to take a look at
9 the thing, try to redraft it, send it back to you, and
10 then you can work on it with Roger and then get it around
11 to the whole group. But let's get the thing back in
12 motion again. Is that an achievement of the Panel? Well,
13 yeah, it was a decision of the Panel that we unanimously
14 thought that was an important point to put forward, and I
15 don't think we should wait until the next meeting or
16 something like that, until we have working group results
17 to do that. I hope that maybe we can do that and get it
18 out in the next week, two or three, or something like
19 that.

20 DR. LAPINE: In that same vein, aren't you
21 going to prepare a letter with all of these resolutions
22 that we worked on?

23 MR. GRAY: But I would take this and carve
24 it out as a single item. That's old business from where
25 we were in July.

1 DR. LAPINE: That's why I suggested it be
2 part of a cover letter.

3 MR. RAINEY: Okay. We'll follow up. I
4 promised Dave Enabnit we were going to talk about the
5 Coast Guard electronic chart. He stayed all day, and I
6 would like to address that. Dave, did you have
7 prepared -- were you here to see if we had questions
8 about that or did you want to introduce it perhaps
9 briefly, and if there is -- if you can link it to how you
10 think we --

11 CAPTAIN PARSONS: If I could, there were
12 several members, including Bill, that wanted the
13 opportunity to provide some comments to NOAA, particularly
14 the Office of Coast Survey, in advance of us consulting
15 with the Coast Guard on the generation of a carriage
16 requirement for electronic charts.

17 As indicated in earlier e-mail, the
18 generation of these requirements is a Coast Guard
19 responsibility, and certainly when those are generated,
20 they'll go out for public comment, but I thought it would
21 be, certainly within the purview of this committee, to let
22 us know what you feel so that when we do sit down with the
23 Coast Guard and start to address the carriage issue with
24 them -- again, we consult the Coast Guard. We don't
25 generate the regulations that we take with us, the

1 concerns of this Panel or individual members.

2 With that said, maybe you can throw it open
3 to Bill as to his concerns about the way this may or may
4 not proceed.

5 MR. GRAY: I, for quite some years now, have
6 been following this development of ENC, electronic charts,
7 whatever it may be and so forth, and whereas I think great
8 progress has been made, I think that the whole concept of
9 ECDIS, ENC, electronic charts and so forth has more appeal
10 for non-mariners than it does for mariners. It's not to
11 denigrate what's being done, but I don't think it's nearly
12 as good as it's generally described to be.

13 If you read, as I do, "Seaways," that the
14 Nautical Institute puts out -- and I circulated a paper in
15 our July meeting, or I had a copy for everybody -- there
16 have been continuing comments from professional mariners
17 about the problems that arise with this kind of
18 technology, and I think things are being a little bit
19 rushed on this to do so.

20 Speaking with a guy out in the State of
21 Washington, a former Coast Guard guy who feels the same
22 way as I do, and he has written fairly extensively on the
23 same subject, recently he alerted me on the fact that this
24 thing had come true, and the Coast Guard's authorization
25 of the new carriage requirement was starting in 2007 for a

1 broad range of vessels, getting down to rather small sizes
2 and so forth. That struck me as not being very well
3 conceived or very well thought out.

4 You're right, it's a Coast Guard issue to
5 deal with, I suppose, and I'm sure -- at least I would
6 think the small boat people, the small craft, commercial
7 side, the ferry boat people, work boats, and things like
8 that, I think they would be on top of the Coast Guard
9 saying we don't need these things. It bothers me, so I
10 wanted to bring it up.

11 As I said yesterday, my big thing -- well, I
12 shouldn't have said toys on the bridge, but some of the
13 ones that I see, I think they're confusing, and it's
14 really the lack of reliability that is associated with
15 electronic equipment, either for navigation or control of
16 the main engine and the steering of ships, that has me
17 more concerned than anything else, and that's why I raised
18 the issue.

19 It's not to say that it shouldn't go ahead.
20 It's going ahead. It's well accepted in a lot of quarters
21 and so forth, and that's fine, but to expend this down to
22 these very small vessels, push boats and so forth, I think
23 that's kind of stupid. I think it's stupid to go out
24 and -- like the little Elizabeth River ferry boat here,
25 he's going to have to put on an electronic chart or

1 something like that.

2 CAPTAIN PARSONS: I think as Dave pointed
3 out yesterday, the section of the Coast Guard
4 Authorization Act, which includes this paragraph, is very
5 nonspecific. It's very general in nature. It refers to
6 electronic charts, no particular type. It talks about,
7 "The Coast Guard shall prescribe regulations implementing
8 subsection A before January 1 of 2007." It's unclear as
9 to whether the regulations go in force at that time or, as
10 I read it, the regulations need to be on the book, that
11 they could be implemented several years later. So it's
12 still early to tell, and we have yet -- and it will be
13 several agencies, I'm sure, that will consult with the
14 Coast Guard. But this has not been on the Coast Guard's
15 top of their radar screen, as you might imagine, but it's
16 got to be before too long.

17 RADM LARRABEE: This a notice of proposed
18 rule then, right?

19 CAPTAIN MCGOVERN: No, it's a law.

20 MR. GRAY: It's electric charts, not
21 navigation charts.

22 RADM LARRABEE: Well, so, I mean, I don't
23 know whether the Coast Guard has any choice.

24 CAPTAIN MCGOVERN: No, they don't.

25 MR. GRAY: They have no choice. To me,

1 Rick, what's happening, the manufacturer of the equipment
2 lobbies better than the industry does. That's for sure.

3 RADM WEST: Well, with all due respect,
4 though, I spent three years putting electronic inventory
5 in the Navy, and I'm telling you, that's a tough customer
6 to sell. And you're right, reliability was a problem, but
7 we did it, because it's the next way to do business. It's
8 so much better. And for the Navy it eliminates a huge man
9 power problem. Maintaining charts, paper charts updated
10 is a huge problem for us. That drove us along to go with
11 electronic. We have backup systems. It's expensive and
12 all this stuff, but like I said -- there are about 150 of
13 these ecosystems that you can buy off the shelf, and about
14 149 of them ain't worth a damn, in my personal opinion,
15 because there are proprietary, raster, paper charts, all
16 this other stuff. But the technology of electronic
17 navigation is phenomenal. It's like going from a lead
18 line to a pedometer.

19 We need to get on with it. It's about what
20 electronic navigation can do for preserved areas of the
21 ocean and navigation safety, all that stuff. It's a whole
22 leap forward for the next generation. But unless you do
23 it right, it's worse. I mean, there are some horror
24 stories about people going along thinking they're going
25 the right way and then, by the way, it wasn't even plugged

1 in. They thought everything was all right. So there are
2 pitfalls. There is education, training, but the
3 technology that it brings is just phenomenal.

4 MS. BROHL: And we, obviously, want to be
5 concerned about the NOAA role and NOAA having a role in
6 the discussion when rules are promulgated so that there
7 isn't a disconnect. Sometimes when these guys who are on
8 the Coast Guard subcommittee put rules together -- I mean,
9 I have often said to staffers, well, it's all well and
10 good to require electronic charts, but how are they going
11 to be provided, will there be updates, have you thought
12 about that whole component which is not under your
13 jurisdiction. It's one thing to require it, but if you
14 don't have up-to-date charts then -- they can't disconnect
15 themselves. They have to make that part of what they do.

16 CAPTAIN PARSONS: And there is no indication
17 that the Coast Guard is going to attempt to --

18 MS. BROHL: And they wouldn't. I think that
19 the staffers don't necessarily think about the connection
20 on this level. So I guess if we want to hear what Dave
21 has to say so we can get a sense of the NOAA role --

22 CAPTAIN MCGOVERN: They don't have a choice.
23 They have to do this. This is a law. I guess the big
24 thing is if -- I don't know if this committee has any role
25 in this or not, but it's to help -- I mean, if NOAA needs

1 help on this, as far as that goes, but -- this doesn't
2 even require, when you talk about electronic navigation,
3 it doesn't require electronic navigation. It only
4 requires the chart, which is really, you know -- I'm like,
5 okay, but you have the chart. It doesn't say that this
6 will replace the paper chart either. It doesn't say that
7 it replaces the carriage requirement. You know, this
8 here, it doesn't say these will be carried in lieu of.

9 So the assumption is it's not going -- it
10 doesn't say electronic charting system. It says
11 electronic chart. In fact, you plant them all on a CD and
12 say -- do you have your electronic chart? Yes I do,
13 they're right here. I have all my electronic charts. It
14 says I have to have electronic charts onboard my vessel,
15 and I do. Obviously the writing is going to be extremely,
16 extremely important on how this thing is implemented.
17 It's not a part of this panel, but keep an eye on the
18 Coast Guard regs, because this is going to be big.
19 Whatever help NOAA can give us, please do.

20 CAPTAIN PARSONS: And I suspect that this
21 proposed rule, whatever shape or form it takes, is going
22 to generate a tremendous amount of comment for the
23 maritime industry.

24 MR. ARMSTRONG: I guess maybe Dave can chime
25 in here, but it seems to me that this law has a huge

1 impact on NOAA's hydrographic services. Perhaps it's
2 appropriate for the Panel to recognize that impact and
3 deal with some suggestions or some assistance or some
4 advice to the Administrator on what's needed to respond to
5 that.

6 MS. BROHL: Captain, what's the procedure if
7 the Coast Guard is working on the rule, which they will,
8 and I think, you know, we better talk about ENCs with
9 NOAA, would just somebody that deals with the electronic
10 charting concept out of the Coast Guard just contact you
11 directly? How would they departmentally come to you for
12 help?

13 CAPTAIN PARSONS: They may not, necessarily.
14 We are engaged with the Coast Guard on issues such as
15 this, so we will certainly ensure that we are plugged in
16 as this is developed.

17 MS. BROHL: So it's a moot point.

18 CAPTAIN PARSONS: Whether they come in --
19 they undoubtedly will come to us, but we will be engaged
20 with them on a weekly basis.

21 MS. BROHL: So even though we haven't heard
22 from Dave to --

23 CAPTAIN PARSONS: Dave is hear to hear from
24 you.

25 MS. BROHL: Oh, I'm sorry. I thought he was

1 going to give a speech. I'm sorry.

2 MR. ENABNIT: I'm here to provide the
3 information that --

4 CAPTAIN PARSONS: Dave will be one of the
5 technical directors. Dave will take one of the leads in
6 interacting with the Coast Guard on this issue, but he
7 wanted to hear what your particular concerns were.

8 MS. BROHL: I just wanted to ask a question.
9 It doesn't sound like you feel you need any kind of
10 recommendation from this committee, and that, I think Andy
11 started to say, given the fact that the MIS says
12 amendments have been passed, and the fact that they
13 involve the requirement for electronic navigation charts,
14 and given the fact that NOAA is the U.S. component for the
15 creation of up-to-date navigational charts that may be
16 used on board vessels, that we, you know recommend,
17 encourage NOAA to be engaged in the process early on. Is
18 that necessary to --

19 CAPTAIN PARSONS: I certainly don't think
20 so. We are engaged now. But, again, if this panel can
21 lend a hand and we see for some reason it can, we'll
22 certainly come to you.

23 MS. DICKINSON: Totally different subject,
24 and this is for you, Roger. I was just curious if you had
25 any kind of an update you can give us on Florida with

1 respect to the hurricanes, which there is a lot of concern
2 right now that there has been so much damage down there
3 that entire shelves have shifted, channels that were there
4 before are not there, that the landscape is pretty much
5 changed in some areas, and I was wondering if you were
6 doing any rapid response there or anything else.

7 CAPTAIN PARSONS: Between the Corps of
8 Engineers and ourselves, we had survey units down in the
9 aftermath of three of the hurricanes that went through
10 Florida within a day. The Coast Guard shut down most of
11 the ports that were impacted until a survey, a quick
12 assessment survey could be done to -- primarily to the
13 access channels and then to the port facilities
14 themselves. There were a number of areas that were
15 shoaled, Port Everglades, Pascagoula, Panama City and a
16 couple of others where there was some significant shoaling
17 that was identified to the Coast Guard, Port Authorities.
18 They were provided with a quick response survey so that
19 they could use those in bringing their vessels into port.
20 I couldn't tell you at this point to what degree the Corps
21 of Engineers has addressed those areas that have been
22 proven to be shoaled.

23 MS. DICKINSON: What about the ICW?

24 CAPTAIN PARSONS: The ICW in those areas
25 there were surveyed in the Coast Guard, and other marine

1 transportation interests were surveyed. So any area that
2 was impacted that showed shoaling, a notice to mariners
3 should have gone out on those through a number of sources.
4 Again, how the Corps of Engineers was addressing those
5 particular areas that require maintenance, I couldn't
6 answer that right now.

7 CAPTAIN MCGOVERN: Just to -- we're just
8 kind of bouncing around here, but the proposed operating
9 principles, I knew you weren't going to delve into them
10 deeply, but I did look at them quickly, and I think
11 they're pretty good. The only big problem I see is I
12 would move paragraph ten to number one and paragraph eight
13 to number two, because that's basically the whole, kind of
14 like the introduction. We are talking about navigation
15 services, their operating principles, but we talk about
16 supporting the Nation's Maritime Commerce's bullet number
17 ten. I mean, that should be --

18 CAPTAIN PARSONS: Again, these were not in
19 any priority order.

20 CAPTAIN MCGOVERN: I would just like that to
21 be number one, and then number two would be number eight,
22 which is NOAA maintains close liaison with the maritime
23 marine navigation, and not navigation constituency --

24 RADM WEST: That's our job as this panel is
25 to recommend -- to tell them what their number one job is.

1 MS. BROHL: And number eight, because you
2 had -- add the non-navigation, navigation products and
3 services, because it's not really our job to ensure that
4 they're --

5 CAPTAIN PARSONS: I'm sorry. Say that
6 again.

7 MS. BROHL: On number eight, just add the
8 word navigation in front of products.

9 MR. DASLER: Under number one I would change
10 the word interpretation to analysis, because you could,
11 under interpretation, you could, especially from
12 bathymetry, it could imply you could have differing
13 results from different professionals, I guess.

14 MR. RAINEY: I would like to be able to open
15 it up for public comment if there is any, if there isn't
16 any other Panel business. Are there any folks from the
17 public that have any comments?

18 MR. WHITE: David White, Administrator for
19 Hampton Roads Maritime Association. First, I welcome
20 everybody to Norfolk. We are glad to have you here and
21 hope that you've enjoyed your brief stay. I'd like to
22 make two very brief comments. One is in regard to ICOS
23 and FORIS. Certainly we can see the interest in
24 Integrated Ocean Observing Systems, and FORIS is a system
25 that could be seen as the appropriate backbone for ICOS.

1 Our concern is that as that may move
2 forward, that as additional user groups are considered,
3 that the original purpose and service the FORIS serves
4 could be diluted, and we are extremely concerned that that
5 not happen. As additional user groups are considered that
6 might benefit from these sorts of services, if additional
7 resources and support are needed, then those user groups
8 should be looked to.

9 The next comment I would like to offer is in
10 regards to the nautical charts updating here in our
11 region. We are very happy to have the NOAA assets that we
12 have here in the Port of Hampton Roads, but are concerned
13 that given that those assets are here, that they may be
14 overlooked or assumed that our needs are being dealt with.
15 We believe and would encourage additional support for
16 updated charting and mapping of our port area. Those are
17 my comments.

18 RADM WEST: Could I ask you a question?

19 MR. WHITE: Yes.

20 RADM WEST: Did I understand right that you
21 thought if FORIS became part of the ICOS system that
22 somehow it would become diluted?

23 MR. WHITE: We are concerned that it could
24 be.

25 RADM WEST: What do you mean by that?

1 Diluted by what? What do you mean by diluted?
 2 MR. WHITE: What I would mean by that is
 3 that as additional user groups are sought to be serviced,
 4 that the core function of FORIS is not maintained and that
 5 the data is not as good as it had been or could be.
 6 RADM WEST: I would think it would be
 7 better.
 8 MR. WHITE: I'm not saying that it couldn't
 9 be.
 10 RADM WEST: Okay. Because I just didn't
 11 understand if you thought if it became part of it, it
 12 would be something less.
 13 MR. WHITE: I'm not saying it couldn't be.
 14 RADM WEST: My guess is that it would be
 15 better.
 16 MR. WHITE: I hope.
 17 CAPTAIN PARSONS: David, that calls for a
 18 question. I presume the maritime community in the Hampton
 19 Roads area does a lot of interacting with Jim Dixon, our
 20 NAV manager here, and that concerns that you might have
 21 about specifics on chart updates or product updates have
 22 been relayed to Jim?
 23 MR. WHITE: Yes. We would be in
 24 consultation with him to let him know. He is aware of our
 25 concerns in that area.

1 time, and certainly we'll leave it open to you. The
 2 Hydrographic Society for -- the Hydrographic Conference is
 3 scheduled for San Diego from 29 to 31 March; is that
 4 correct? Perhaps a good opportunity may be to tag on to
 5 the end of that conference for those that may want to
 6 attend in their other capacities. But I would suggest,
 7 and maybe take it back to consider, that the 31st of March
 8 and the 1st of April, which is a Thursday, Friday, might
 9 be an opportune time, if you want to schedule it in
 10 conjunction with the conference.
 11 CAPTAIN MCGOVERN: It'll throw out another
 12 one if that date doesn't work out. The National
 13 Conference on Harbor Safety Committee is in L.A. -- it's
 14 actually in Long Beach April 17th through --
 15 MS. BROHL: I think it's the 20th.
 16 CAPTAIN MCGOVERN: So that would be -- well,
 17 it actually starts on Sunday night, so it's Monday,
 18 Tuesday, Wednesday of that week, so if it doesn't work out
 19 in San Diego for the end of March, maybe that will work
 20 out.
 21 CAPTAIN PARSONS: It's in Long Beach?
 22 CAPTAIN MCGOVERN: It's actually in Long
 23 Beach at the Hyatt Regency Long Beach, I think.
 24 CAPTAIN PARSONS: What are those dates
 25 again?

1 MR. RAINEY: I had a chance last night to
 2 talk to Art and thank him, but I wanted to thank you too.
 3 Thanks very much for the support on the meeting.
 4 MR. WHITE: Happy to do it.
 5 CAPTAIN PARSONS: Appreciate the comments.
 6 MR. RAINEY: All right. Is there any other
 7 business from the Panel?
 8 THE PANEL: (No response.)
 9 MR. RAINEY: Again, just my personal thanks
 10 to everybody. I think we had to go through this process.
 11 Maybe we made it a little more painful than we had to, but
 12 we got through this. We did what we said we were going to
 13 do, and we'll get back to you as soon as we can on the
 14 specifics on what has been happening with the information.
 15 We've captured that and we'll transmit it up, and we'll
 16 get back to the folks on those working groups and just try
 17 to move on it quickly so that we can follow this up and
 18 proceed forward on that.
 19 At this point I don't have anything else to
 20 add. Do you have anything?
 21 CAPTAIN PARSONS: No.
 22 MS. BROHL: Do we have a thought for the
 23 next meeting? I know we talked about March, and the
 24 location was --
 25 CAPTAIN PARSONS: It was suggested last

1 CAPTAIN MCGOVERN: April 17th through the
 2 20th.
 3 MR. RAINEY: We'll look at those and then
 4 send that out again to see what the availability is, and
 5 then we'll try to get as many people as we can. We did
 6 pretty well, people were able to make this one, so we'll
 7 put that out and decide as soon as possible so we can get
 8 that locked in. Any movement on adjournment?
 9 MS. BROHL: I move we adjourn.
 10 RADM WEST: Second.
 11 MR. RAINEY: Everyone in favor?
 12 THE PANEL: Aye.
 13 MR. RAINEY: Thank you, very much.

(Whereupon, the meeting was adjourned.)

1 COMMONWEALTH OF VIRGINIA AT LARGE, To-Wit:

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I, Nancy C. Mann, a Notary Public in and for the Commonwealth of Virginia at Large, whose commission expires October 31, 2006, certify that the foregoing meeting was duly taken before me at the time and place and for the purpose in the caption mentioned, and that the foregoing is a true and correct transcript to the best of my ability.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties or financially interested in the action.

Given under my hand this ____ day of _____, 2004.

Notary Public