[The public meeting reconvened at 8:36 a.m., September 24, 2009.]

MR. WELCH: Good morning. Welcome to everybody to the second meeting of the Hydrographic Services Review Panel, to our members and NOAA's staff and members of the public. Thanks for being here.

Do we have any kind of administrative activities to take care of? Okay. On our program today, we are going to -- yesterday we deferred a report from the NOAA folks about the status of some of the panel's recommendations and action on The Most Wanted. We're going to have that right after lunch. If we are speedy and get our work done, we're going to have a little bit of time for Andy Armstrong to give us a little presentation about his Arctic adventure. If he is still willing to do that. So those are the two adjustments to the program that was printed and distributed.

So, with that I think our first substantive activity is a further discussion of the NOAA contracting policy and the proposed revisions, so I will recognize Roger Parsons to lead us in that undertaking. Roger?

MR. PARSONS: Good morning. I'm Roger Parsons. I'm the NOAA Integrated Ocean to Coastal Mapping Coordinator, and I appreciate the invitation to come address you this morning.

We approached the Hydrographic Services Review Panel several months ago to review the recommendations that we have provided for changes to the existing Hydrographic Services Contracting Policy. What we wanted to do was get your advice and guidance on whether the

changes that we are recommending meet the spirit and intent of the legislation that I'm about to talk about, and provide some additional input in addition to what we've been getting from the public.

What I want to do this morning just for a couple of minutes is review the input that this panel provided in 2005 to the last revision to the contracting policy, and then give you some of the proposed changes that differ between the old policy and the new recommended one. I believe you've been provided the current recommended policy, the changes between that and the 2006 policy. You've got the 2006 policy. You have the six or seven sets of public comments that we have received to date as well. So hopefully you'll have read those and use those in your deliberations as well.

As a reminder, the Ocean and Coastal Mapping Integration Act was passed in March of this year as part of a broader lands management bill. And within it there were several deliverables. One was direction from Congress that the NOAA, the Administrator shall continue developing a strategy for expanding contracting opportunities with nongovernmental entities. The language in this act is nearly identical to language in a 2005 appropriations bill which set us on our course several years ago to revise the policy. At that time, NOAA received guidance from congressional staff that mapping and charting was to be interpreted as -- or limited to those hydrographic services provided and funded under the mapping and charting budget.

The current wording in the Ocean and Coastal Mapping Integration Act has the same language. But we've been provided

guidance that it's to include all of NOAA's ocean and coastal mapping activities. So it expands beyond hydrographic services to what we are calling "Ocean and Coastal Mapping Services." It is a broader category. It includes hydrographic services, but it expands it beyond that. The 1996 NOS contracting policy was revised based on input from this panel and based on a review by NOAA and input from the public as well. [Next slide.]

So what were the recommendations from this panel that went into the changes in the 2006 policy? This panel recognized that hydrographic services is a core NOAA mission. You also recommended that we maintain an in-house core capability, indicated that was essential for NOAA to maintain a viable core operational capability. Both you and the organization recognize that contracting was very valuable to NOAA. I believe there was some discussions, 12 or 15 years ago there may have been some apprehensions on part of the agency to go into contracting, but over the years this has proven to be a very useful tool and we anticipate it will be in the future.

You also recommended that the agency continue to utilize a mix of in-house and private sector capabilities and capacities, and we've done that to date. Maintain an essential core capability and you also recommended that we seek additional funding for contractual services to reduce the backlog. And then work collaborative with the private sector. [Next slide.]

A couple of more recommendations. The panel did provide some broad, general guidance on what defined a core hydrographic

services capability. Then again recommended that we determine what the optimal balance between in-house and contracting services provided are. I believe that is being accomplished through the HCap Study.

We received a lot of input from the public as we did this time around as well. A lot of it complimentary. But there was several from the 2006 input, several recommendations that focused on the fact that some did not believe that the acquisition of geospatial data was a core NOAA mission. That is something the agency did not agree with. That is something that apparently the panel did not agree with. Also there were several that said that the agency mistakenly focused on just hydrographic services. Again, that was based on guidance from congressional staff that that policy at that time focus on those services. We have since broadened that under the current direction from Congress. [Next slide.]

And so what are the main differences? Again, we wanted to broaden the scope of this policy to include things beyond hydrographic services. That includes the other mapping activities in which NOAA's involved. Habitat mapping, coral mapping, coastal change analysis, there's any number of mapping activities in which NOAA's involved which will be given consideration for contracting. It also recognized that there are broader congressional mandates -- legislative mandates for NOAA's mapping activities beyond the C&GS Act of 1947, the Magnuson-Stevens Act, the Coastal Zone Management Act and there are literally a dozen legislative mandates that provides NOAA with direction to provide mapping services products.

We again recognize that contracting for mapping services is important to the agency to supplement our own core capabilities and capacities. We also acknowledge more strongly in this version of the policy and in accordance with the Hydrographic Services Improvement Act that the procurement of hydrographic data will be done in accordance with Title IX of FAR, The Brooks Act. It was recognized in the last version. We borrowed language from the Hydrographic Services Improvement Act to further refine our obligations under that Act. Again, that Act, as it defines hydrographic services is broader than services provided just to the navigation community. It is services provided to a broader NOAA mapping community. It also identifies, as did the first policy in 2006 a broader number of map activities that might not be subject to mapping. Not that they will not be subject, but they might not, depending on the situation. [Next slide.]

Again we insured that the term "hydrographic services" and "hydrographic data" were defined as defined in the Act. We added one additional provision of the type of activity that may not be subject to contracting, and that was activities that could only be carried out aboard a NOAA platform that had unique capabilities that perhaps were not be available in the private sector. One of the examples that generated this particular provision were the acoustically quiet fisheries research vessels. That type of capability is not available in the private sector. At some time in the future if it is, I would suspect that those would be given due consideration.

And then the addition of our attempt to promote the

leveraging of government resources by making the hydrographic services and geospatial services contracts that are available in the government available to state organizations. We have had a number of examples where states have transferred resources to NOAA and then NOAA has utilized those resources through it's either hydrographic services or geospatial services contracts to obtain services from the private sector.

There was one other which we thought was not appropriate in a contracting policy statement, and that was reference to NOAA's annual hydrographic training and field procedures workshop which was eliminated from this version of the policy. Again it was sort of mixing apples and oranges and while I think there are a lot of folks that took advantage of this training and this workshop, that's probably a discussion that ought to take place outside of the contracting discussion. [Next slide.]

So, again, you have the material. You have seen what NOAA is recommending for revisions. You have seen the input from stakeholders and the private sector as to what those recommendations mean to them. Some are supportive, some or not. With all this information, we'd like additional input from this panel as to whether what we are recommending strengthens or weakens our policy toward contracting.

MR. WELCH: Thank you, Roger. If I could make one opening observation. Some of the changes seem to be related to the fact that the congressional statutory directive has clearly expanded what this

policy, what types of services or mapping this policy should apply to beyond the more narrow term "hydrographic" to a broader term. Is that's correct, Roger?

MR. PARSONS: That's correct.

MR. WELCH: And am I correct in assuming that folks in the panel feel like with that respect since Congress has directed that change that really isn't something we need to talk about too much one way or the other?

[No response.]

MR. WELCH: Let's open the floor for comments or questions.

MS. ARENSON: I just want to let people know that in your packet you should have all the relevant material. You have Roger's presentation, you have the draft revised policy, you have a document summarizing those changes, you have the current policy, and you also have copies of all the public comment letters we've gotten to date. So those are all in your blue packet on the right-hand side.

MR. WELCH: Roger, what do you have on your computer? Just your slides that you just showed? You don't have the actual language of the draft?

MR. PARSONS: That's correct. Although I could put it up there at a moment's notice.

MR. WELCH: Let's see whether we needed it or not. But you might want to go ahead and move back to the first of those two slides that showed the bullets of the proposed revisions. We can move back and forth on that as we need to.

All right. Who has thoughts or comments or suggestions or recommendations? Are we ready to endorse this draft?

MR. WHITING: There's, what, 20 pages of public testimony here, maybe more? Did anybody summarize what they said, or do I have to read them all?

MR. WELCH: I don't think you have to read them all because I think some of them say -- some of their points are the same. But I've read them all. There are some things in there that I think we ought to discuss. But I will say, I wasn't around for the first round of discussions on the contracting policy, so those of you who are veterans, I think, probably ought to be more involved than me.

MR. WHITING: The first round, you mean from 12 or 14 years ago that Roger alluded to? Is that the first record you're talking about?

MR. WELCH: Well, I mean pre-2 years ago.

MR. WHITING: The thing that really brought my attention to this was when they said that things could only be carried out by NOAA. This is something that needs to be struck. It's in, what, probably the second one from the end. NOAA has acquired these capabilities on the commercial market. They were built by commercial people. They didn't build these machines, ships, or equipment by themselves. And if you put out a contract asking for these, specifying these items, you could get them commercially. That statement there is why I objected to it 3 months ago. Because that's a return to something that Andy and I don't want to see. I believe. So that part needs to be struck out of there. Take it out.

MR. ARMSTRONG: Larry, since you mentioned my name, I thought I ought to say something here. It is my firm belief that contracting out for hydrographic surveying services has been a benefit to NOAA and to the nation. However, it's also my belief that it is essential that the federal government maintain the prerogative and the practice of doing these surveys with its own assets and, in fact, it maintain the prerogative of doing it with its own assets when it deems that appropriate under the conditions that Roger's laid out. Thanks.

MR. DASLER: First off, I'd like to commend NOAA on expanding the policies to the ocean and coastal mapping. I think that shows that contracting is working for them and appreciative that they recognize the value that contractors add to NOAA's programs. I guess I too am a little bit troubled on the use of the term "inherently governmental" because I think it could become restrictive to NOAA in meeting the nation's needs. Especially in terms of in times of emergency response and those kinds of things. I think Steve brought up some excellent examples the other day where contractors responded promptly in emergency situations. So I don't think you want to necessarily say that that's inherently governmental and kind of rule out the use of contractor assets when they are readily staged in the area. I guess I question that use in that area.

But I realize that -- I agree with Andy that it's important that NOAA carry on with their core capabilities and competencies and moving that forward. As part of the panel I think we want to support that effort and make sure that happens, but on the same respect I

think you don't necessarily want to restrict capabilities that can come from the private sector. Thank you.

MR. DUNNIGAN: Thank you. I just want a clarification from Larry and from Jon, if I could. Up here I'm not sure I know which of these bullets you are talking about that you think restricts NOAA's going out to the private sector. Because if it is the second bullet, as I read the second bullet it says that it wouldn't be subject to contracting if the private sector is found that they can't do it. So what is the problem -- where is the language that you're having a problem with?

MR. WELCH: Do people have the draft policy with them? Let's talk about that. That is Larry's point. That is found in the actual draft policy. Where is it, Larry?

MR. PARSONS: First paragraph, second page.

MR. WELCH: If you're on the second page, the first full paragraph is the "inherently governmental" language that Jon was mentioning. Then item number seven also in that paragraph is the provision that Larry was focusing on and that Jon was asking about which is, "where there is NOAA ship or aircraft that has unique capabilities that's not available elsewhere." So those are the two things that we've raised at the moment.

MS. ARENSON: Do you want us to pull up that actual document so that we can walk through it?

MR. DASLER: If you can.

[Pause while document is retrieved and displayed on screen for

everyone.]

MR. WELCH: We're focusing on item number seven which is the item that Larry raised and that Jon asked about. Can we talk a little bit more about that?

MR. DASLER: Actually I was talking about six and seven.

MR. WELCH: Okay. Well let's look at number seven regardless of who talked about it. This is a list of things that might not be subject to contracting. So it's an illustrative list of possibilities and it says, "services that can only be carried out on NOAA assets because of the unique operating capabilities not available elsewhere." I guess Larry's point was, if you put the missions -- the need statement out, people can acquire or develop that capability very quickly and respond. Is that a fair statement?

MR. WHITING: That's a fair statement. The acquisition of these systems by NOAA was commercial. They did not build these systems and ship in house. So if they are available commercially, I would be willing to bet that there are facilities out there that have built and will build these vessels that are super quiet and tune them to your specifications. The equipment is all available commercially because that is where you bought it, so it is not unique in this world. That's my statement, I guess. So if that is true, why have that statement in there at all? They're not unique.

MR. WELCH: Okay let me be a devil's advocate for both sides on this. If you struck number seven, as Larry is suggesting, this is an illustrative thing. You still have the introductory language which

says, "surveying and mapping activities not subject to contract may include but are not limited to." So NOAA, Larry, to be your devil's advocate, could still put into place number seven even if they don't have it expressly stated here in this policy. And NOAA, if you took it out, you could still do what is being proposed here. So are we fighting about something that really is not a controlling statement because it's is an illustrative example?

MR. DASLER: I think the problem is the sentence above that where it's talking about, "that particular surveying and mapping activity is inherently governmental and is otherwise not subject to contracting." I think if you put it into the context -- I mean, should that next sentence be on its own I think would be a little different, but I think when it is in that context it is perceived in a different view that is saying that all of this work is inherently governmental, this is sort of a list of what we think is inherently governmental. At least that's the interpretation that I think is creating a bit of a concern.

MR. WELCH: Right. I'm going to be your devil's advocate, Jon. If you took that first sentence out like you suggested and left everything in, NOAA could still implement the type of policy they're talking about here.

MR. DASLER: Again I think the issue is -- I think that would be greatly help us to not use the word "inherently governmental." I don't think, like Larry mentioned, as things move forward -- as the needs arise, private industry -- historically that's been the case in

support of the nation's needs.

MR. WELCH: I understand. I'm going to recognize Steve in a second. I've been involved in non-NOAA fights about government contracting and the term "inherently governmental" is this term of art that has been involved with government contracting or not throughout the government for years and years and years and it always evokes huge battles about what is and isn't inherently governmental. So I understand your sensitivity to seeing that term pop up. It's like Justice Stewart used to say about pornography, "I can't define it, but I know what it is." People can't define exactly what inherently governmental is, they all have a different idea about it, but everybody can invoke that term for their own purposes.

CAPT BARNUM: I just want to add some clarification here. When we talk about this ocean and coastal mapping bill and the definition of what that is. I'm going to read it from the law. It says:

> "The term "ocean and coastal mapping" means the acquisition, processing, management of physical, biological, geological, chemical, archeological characteristics and boundaries of ocean and coastal areas resources and seabeds through the use of acoustics, satellites, aerial photogrammetry, light imaging, direct sampling, and other mapping technology."

So its expansion well beyond what we traditionally have addressed in this panel. So I think it's fair to say that we've had a contracting policy for the past several years. We've actually had public comment -- I believe it was in D.C. 3 years ago when one of the

contractors said that he thought it was a model of public/private partnership. I don't think our intent is to change that, that partnership. Only that we look to expand our current contracting policy to include this much broader array of services that public law looks to coordinate.

MR. WELCH: If I could put words in your mouth, Steve, the implication is some of these expanded services perhaps there isn't as much private capability for those types of services as there is for hydrographic. Are you suggesting that?

CAPT BARNUM: There could be. I don't know what that situation is when they mention satellites, I don't know, you know, NOAA buys GOES satellites. They contract to build them, but they own them once they put them up in the sky.

So I think the "inherently governmental" reserves the right, we just don't know what that situation may be. So it's similar to your credit card bill. They reserve the right to cancel you at any time. Will they do it, probably not, but that clause is in there. We just try to cover what we don't know what a situation may be in the future.

I will say that our current practice has been to embrace the public and the private sector to supplement our work. I think we all know that our goal is to be at 10,000 square nautical miles, we're at 3. We're not going to do that all internally. We talked about partnerships that we've done with Oregon and California and I think that is a big tool in our toolbox of how we move forward in

partnerships. That's all I have to say.

MR. ARMSTRONG: I guess that I, not as an official NOAA person, but as a panel member, I would interpret this language that Jon is concerned with is that not intending to be a list of things that are automatically ruled out, but a list of things that in instances might be determined to be -- it might be determined as necessary to use government assets to do these -- instances of these activities with in-house assets.

MR. PARSONS: Right. We were careful. The word "may" is in there intentionally, as you might imagine. This is not an open and shut list of what we will not. These are potential considerations.

MR. DASLER: It seems the appropriate way to address that would be what's the best cost benefit. Obviously if it is something that the government is doing on a regular basis and they have these programs and it comes as a great expense, it will outweigh itself in just that the private sector there's no way they're going to be able to provide those kinds of services cost effectively. That could change.

There are things we're doing now in moving forward in coastal mapping including dissolved oxygen sensors on MVP's, so something the government has, so we're kind of pushing that front. But that's just a minor example of the kinds of things the private sector -- I guess that's -- my thought was just to not exclude that just carte blanche moving forward, but recognize that. I guess when you say "inherently governmental," does that -- how does that relate

to universities and other support? I guess that's a question as well.

MR. WELCH: Anybody else? Well let me put the question another way. Are panel members reasonably comfortable right now with the way the existing contracting policy has been implemented for hydrographic services?

[Affirmative non-verbal responses.]

MR. WELCH: So what we want to do is ensure that that stays the same and is not altered by any new language in a revised contracting policy. I gather Jon and Larry's concern is the identified language might open the door for somebody down the road to alter the existing policy. Are we all together?

MS. ARENSON: Well since we're pretty comfortable with the current policy, I just want to point out that in the current policy in Paragraph four it uses the exact same language pretty much. It says, "NOAA may determine that a particular surveying or mapping activity is inherently governmental. NOAA surveying and mapping activities considered inherently governmental in nature may includes services necessary to.." and then it provides a list. So it's pretty much the same.

MR. WELCH: Let me ask this. Roger, obviously one change is in the first sentence where we have the additional ending phrase, "otherwise not subject to contracting". What is that supposed to cover?

MR. PARSONS: That's about as broad catchall statement as you can have.

MR. WELCH: Right. But was there -- I mean, somebody must have felt like the existing draft was -- the existing policy needed that addition to it. So what was the reasoning behind that conclusion?

MR. PARSONS: I couldn't specifically state. This did go through general counsel review as well and some words were changed.

MR. WELCH: Do you know whether that's -- if you can say -- is that a general counsel addition?

MR. PARSONS: I don't know, but I can certainly check on it. It may not add anything to the policy, if so, consider removing it.

MR. WELCH: If it's not adding anything to the policy and it's a departure from the current policy and everybody's happy with the current policy, let's get rid of it.

But, other than that, Jon, there is this reference to "inherently governmental" in the existing policy.

MR. DASLER: Understood, and I think it was adding that that, I guess, sort of raised the hackles, if you will, of the private industry of something's afoot.

MR. WELCH: Right, Dr. Watson.

Is it fair to say that we would give a suggestion that that last phrase be considered to be deleted unless somebody can come up with a compelling reason for its addition to the existing policy?

DR. JEFFRESS: I've always been under the impression that NOAA is a scientific agency. One of three in the federal government. And we wouldn't have the technology we have for hydrographic surveying and mapping today if it wasn't for all the work that NOAA has done. So

this language, "inherently governmental" to me implies they want to reserve the right to continue the advancement of the science behind what we do and do stuff that the private sector finds too risky and would not invest in. That's the way I view it. I like the language.

MR. WELCH: My suggestion was we retain the part that references "inherently governmental" because that's basically tracking the existing language, but the new phrase is, "otherwise not subject to contracting" which seems to be nobody's quite sure why it is there or what it is supposed to cover. My suggestion is that if we can't be more precise and answer that question, that we recommend that that be stricken.

MR. ARMSTRONG: I guess I might -- I'm speculating here -- I might suggest that there are other approaches to acquiring hydrographic data outside of contracting. So one of the things in some of these partnerships with state governments or with universities, I don't think we would want to set up language that sort of eliminated NOAA's ability to acquire hydrographic data or coastal and ocean mapping data through arrangements and partnerships that were not -- maybe not inherently governmental but were not appropriate for contracting. So I think it seems to me what this extra phrases is saying is that there are some things that for a variety of reasons that we may or may not anticipate now, there may be situations where NOAA would feel the need -- feel it essential to obtain these services through some means other than contracting.

MR. WELCH: I understand your point, Andy, but this doesn't say

you cannot -- the only situation in which you will not contract out is where you find that something is inherently governmental. There is no limiting language in this. NOAA -- this whole paragraph is not limiting to NOAA. It is giving NOAA some discretion and it's illustrative of how they might use the discretion, but it doesn't say you can't use your discretion except in the ways that we list here. And it doesn't say you have to contract out when these seven factors come into play. In some ways we're sort of arguing about something that's not the controlling part of the policy here.

MR. DASLER: So I guess that said, what benefit does it add in putting it in there?

MR. WELCH: And that was my question to Roger.

MR. PARSONS: We will review that.

MR. WELCH: Can we move to the seven item, because we talk a little bit more about that?

Jack, do you want to sort of restate the point you made before?

MR. DUNNIGAN: I wasn't making a point. I was making sure I understood what language was at issue.

MR. WELCH: Okay, number seven I think is the one.

MR. DASLER: I would also add number six because I think more and more contracting is developing that expertise. I know within our firm we've got a number of people that came from Naval Oceanographic Office from mine warfare and that was -- they wrote a lot of the guidelines for Q-route surveys and some of that work. I know within other

contracting firms as well that expertise exists.

So, again, I just want to raise that point that there are contracting resources available that can help that. That is not to say -- I think I would agree that the direction, especially as it -- I mean, given the word "subcontractor" you are reporting and doing everything to NOAA. So I think the management of that is inherently governmental. But I'm just reluctant for NOAA to just throw out those resources that are available. I think given the need both in the charting backlog and the new efforts moving forward in integrated ocean and coastal mapping, Q-routes, that there a lot of issues coming to the plate and it could be a mistake to say this is solely an in house and do it inside a box and not draw on outside resources.

MR. PARSONS: If I might add, Jon, this does not close the door on contracting for those type of activities. This leaves open the door if another government agency comes to NOAA and for any particular reason says that they want the agency to acquire these data as opposed to contract for it, it provides for that provision. It doesn't say that will occur. In fact, for support to Navy I would suspect it would not occur for the type of surveys you're talking about.

MS. ARENSON: This is also the same language from the last policy. Just to let you know it's not new or changed.

MR. WELCH: Number six?

MS. ARENSON: Yes.

MR. DUNNIGAN: Thank you, Mr. Chairman. I wonder if I could open the discussion a little bit. One of the things that is concerning me

is the issue that I raised with you in Baltimore. This discussion seems to be focused on a timeframe that is today. I'm really not too concerned about today. I'm really concerned about the next 30 years and as Admiral West said yesterday, our ability to raise the funds in the public sector to do the job that we all know needs to be done is tenuous, tenuous at best. Our business model is going to have to change dramatically.

The technology that we use and is going to be available we know is going to change dramatically. So I'm looking at the current suite of hard assets that we have to do this job. They're on their last legs, their proverbial last legs. You look at the vessels that we have and, frankly, as I look at the assets that are available in the private sector, they can do jobs today but they don't seem to be aligned. I don't see the private sector coming up with the answers that are going to get us over the next 30 years. It's just as hard for the private sector, if you think the steel is going to get really thin on the Rainier and the Fairweather, it's going to be just as hard for the private sector to come up with $120 or $50 million that is going to be necessary to do the job for the next 30 to 50 years as it is going to be for us.

So I'm concerned that we are talking about really the wrong issue. So I'm asking for advice. I don't think that NOAA is in a position to be able to define and execute its future requirements. I don't think the private sector is either. So to me, the more we talk about this, you know, we need more contracting here and there under

the Brooks Act or under whatever, I think we are missing the boat for the real issue for the long term. That's the issue, from my level, that is the issue that bugs me. Thank you.

MR. WELCH: Thank you.

Any other panel members?

MR. WHITING: I read the current Hydrographic Services Contracting Policy and I read what has been proposed here. The only real addition to that thing is, "or otherwise not subject to contracting" and then item seven, that sentence there. That's the only real addition to that. Why not just take those out, put the thing back in the way it was. I don't think it would hurt the current policy, and it would not limit us. We would still expect to have a few contracts whether they are on board your vessel or not. Just to maintain something that we're happy with if things are going reasonably well without throwing in something else in this pot.

MR. WELCH: Roger, can you talk a little bit about why there was a need to add the illustrative number seven.

MR. PARSONS: Absolutely. It is exactly for the reason I gave. Currently there was a capacity and the one that comes to mind immediately is the acoustically quiet fisheries survey vessels. The process and the proposal to design and build these is a decade old. That proposal and the funding for that was because that capability didn't exist in the private sector.

Now that there is a fleet of three and eventually a fleet of six vessels that are only capable of doing this kind of work, this

was just to point out that this was a unique situation, there may be others, where the capabilities only exist on specific platforms that NOAA operates. If that capability were to exist in the private sector, I have no reason to believe that that wouldn't be considered for contracting. It is a tool, ships, aircraft, multibeam they are all tools. Where they come from is really not a concern of NOAA's.

MR. WELCH: Thank you.

Any other comments or observations?

MR. ARMSTRONG: Just one observation. It seems to me that all of us in at least in this part of the government and this set of contractors are reasonably happy with what we are doing. We've come to this over a fairly long and bumpy road. But I think each of us here are concerned that some language in or out of the policy may or may not be used in the future in some way that one side or the other of us perceive to be underhanded in terms of making some kind of change in the policy we have now.

So I think those of us in the government may be concerned that some future shift in the discussion would use this language in some way that we don't anticipate and I think those of us in the private sector are concerned about the same thing. So the change in this as I understand it was brought about because the bill required NOAA to revise and update is contracting policy based on this new Act. So I don't know what the answer is, but I think we have a good working relationship now and a good partnership and sort of arguing over this language is not real productive

MR. PARSONS: If I might point out the last paragraph on the last page is really the meat and potatoes of NOAA'S position that we do have an intent to contract for ocean and coastal mapping services when qualified commercial resources exist. When these contracts are determined to be the most cost effective method conducting these functions and to the extent resources are available. That position hasn't changed with NOAA, and I don't suspect that it will.

MR. WELCH: That's the more operative language of the policy on this paragraph. This second paragraph that we're --

MR. PARSONS: NOAA has embraced contracting, will continue to embrace contracting.

MR. WELCH: This second paragraph that we're agonizing about is sort of supplementary and illustrative, but is not the controlling aspect of the policy. This may be an unfair question, but Jack or Steve, is it true that this policy -- whatever it is, doesn't confer any legal rights on anybody if for some reason in the future the agency went off the tracks and said, "We're not going to pay attention to it," it doesn't provide any basis for somebody bringing suit and saying your not following your own policy; does it?

MR. DUNNIGAN: That's a question that deserves an answer from a very smart lawyer.

MR. WELCH: That's a question from a not so smart lawyer.

MR. DUNNIGAN: I'm a not so smart lawyer, but I can't speculate whether it's a lawsuit or whether it's a contract action by someone who's unhappy with the way a contract comes out if we're not following

our policy, that may give some grounds. But I don't want to give any ideas to anybody as to how to challenge our contracts either, so I think I'll shut up.

MR. WELCH: It is now 9:30 and we have a scheduled public comment period particularly on this issue. We do have one signed up speaker, so I think I will recognize Mr. Tom Newman.

MR. NEWMAN: Hi, I'm Tom Newman, and I am the President of TerraSond Limited, one of the hydrographic firms, one of the seven firms with the hydrographic contracts; licensed land surveyor, ACS-7 hydrographer. I've been a 34-year resident of Alaska working up there primarily and worked in the Arctic which was a topic of discussion yesterday. Our firm has worked for 12 field seasons for NOAA. With that introduction I just wanted to say -- I do have a few things to say about this.

First, I wanted to thank the HSRP for insisting on more time and more discussion and a proper meeting to discuss these changes. It's the opinion of myself and several of the other contractors -- and you guys have some of their comments -- that these changes are not necessary. They just feel like a turn for the worse. It's been a very successful relationship and some of these changes are -- they just don't feel like they're in a contractor's best interest.

There are parts that needed to be changed. That is understood as requested by Congress. The history is that NOAA has been encouraged to contract by Congress since 1995. You know, they

began to include language to secure commercially available surveying services and hydrographic services from the private sector. It's my feeling that the draft language gives increased latitude to NOAA to work counter to those instructions. Maybe they will, maybe they won't, but I don't see the point of putting the language in there.

Also, competent hydrographic services are available through the private sector, especially through the use of the Brooks Act which gives NOAA great latitude in choosing their contractors. That should be demonstrated by the last round of advertisement. They picked up two additional contractors. They went from five to seven. These proposed changes with the lack of growth and the underlying, you know, the regular line item budget request for address survey backlog contract, it's hard to interpret as anything but an attempt, or to temper moving to contracting for those non-core services.

So there are, as I said, there are good things to change in there, as requested by Congress the change from hydrographic services to ocean and coastal mapping reflects the increased role of hydrographic data and the understanding and management of the ocean. Some changes weaken, we feel, NOAA's previously stated focus on contracting out non-core and commercially available services and those should be stricken.

There's two paragraphs that are noted in almost all of the comments that I saw, all of the written public comment. The first one which actually wasn't discussed is in one of the earlier paragraphs. The original language was, "making it incumbent upon NOAA to maintain

its operational hydrographic services core capability and contract for the remainder of its hydrographic services to the extent of available funding." And that's been changed to read, "maintain operational ocean and coastal mapping core capabilities and supplement its operational capability where appropriate and to the extent of available funding." It feels like that's watering down the intent of Congress which was to push commercially available services out to the private sector.

Again, I understand the substitution of ocean and coastal mapping, but I think the other part is a blow to the long-term effort of contractors. It's been a very good partnership. I think contractors have risen to the task. As I said, we've been doing this for -- you know, my firm has been doing this for 12 years. There's been surveys prior to ours that were contracted out, and I think by and large NOAA has been quite happy with the data especially of late. I've talked to several people within NOAA who review the data and they said that the contractor data is on a par and often of better quality than the stuff they get from the in-house crews. So I think there's no reason to move from that in light of the amount of surveying that needs to be done.

I also think there is added value in including outside firms. It was mentioned that NOAA does a lot of research and they do, and they do some good research. But there's also research done by the private sector. It's often of a different nature, but often because we have so many different clients with so many different needs, I

think we actually end up developing capabilities that were never an issue in NOAA until perhaps recently. I think it's been a good partnership.

The software and the hardware companies respond to the commercial market as well as NOAA. NOAA'S part of that because they buy their software and equipment commercially. But there's a lot of other types of surveying that go on. The response by the commercial market to provide instrumentation and software to support that has benefited NOAA as well. The other benefit of using the private sector is that you get some geographic diversity. Our assets are by and large based in Alaska, as an example. Jon has a crew in Oregon. I know that the other contractors are geographically diverse. I'm sure it just happened that way. But there's a couple on the east coast, several on the gulf coast, a couple on the west coast. I think that provides the ability to respond in an emergency and respond to projects with a reduced carbon footprint and maybe a better understanding in some ways of some local conditions. So that was the first one.

The other paragraph is the one that you guys have been discussing. There's actually the first two sentences have changed. There's been the two additions that you discussed. The addition of the, "or otherwise not subject to contracting" is troubling. Then in the second sentence the idea that you added, "but are not limited to." That clause also seems to water down what the intent of the original contract policy was. The original contract policy was quite clear.

Things that are not inherently governmental will be contracted. That's not as clear in this one.

Then to go down, I'd just like to address two of the clauses. Those were brought up as well. The "support maritime domain awareness and homeland security preparation and response activities." I don't know why that's listed. As it was pointed out yesterday by Steve Barnum, in less than a day you can get a contractor on site to do emergency work. Jon pointed out that a lot of his staff have previous experience with the Navy and with NOAA in doing these Q-route surveys. I have staff that came from the Navy. I have some staff that came from NOAA. I have other staff that came from other aspects. They have a very broad experience range and can provide those things as well.

Contracting in 24 hours. It was shown in Katrina that contractors could respond in a hurry. There was a contract put together to put the Davidson out there. A very large ship with contractors in very short order. And Fugro, I believe as well, was contracted in very short order following Katrina. They were out in a very short timeframe and able to respond.

The other thing I'd like to point out is that a lot of the contractors actually have other local resources that they can pull together. As an example, following hurricane Ike, our firm -- we have an office in Houston and Corpus Christi. We have an office in Houston and Corpus Christi and we have assets in place and we have a contract with the Galveston Corps of Engineers. Under that contract on the day

following Ike, we had nine vessels in the water. Our own vessels and vessels from basically all of our competitors in the neighborhood.

Basically the call went out to the local survey community, everybody with a survey vessel that had a signal beam and a sidescan which is what the Corps asked for. They wanted to clear the channels within 24 hours. And it was a tall order because it was a very large hurricane, covered a lot of the coast. But by and large within days the coast was clear and we had ratcheted that number of ships back down -- or survey vessels back down. In about a week we were down to two or three vessels and that continued for several weeks as we went back and did a more thorough job.

That sort of flexibility can't come from -- I mean, it just doesn't work with government assets. If you had nine vessels available in Texas, they would be looking for something to do much of the time. But instead, we were able to marshal a lot of the commercial resources and respond to an emergency. I would hate to see that precluded or even diminished in anyway. So I would argue that that is not inherently governmental and there's no reason to have it on that list.

The services aboard a platform that is unique or operational capabilities not available in the private sector, I would argue that that is also not necessary. NOAA has those ships. They will work. NOAA's not going to tie them up at the dock now that they've spent the money on them. So, I'm not sure what the purpose of that is. It's illustrative of -- I've heard that it was illustrative,

but I don't know that it's a good illustration since it's not something that's inherently governmental or core.

One more point about number six. A recent New York Times article cited that 65 percent of the personnel in Afghanistan are civilian contractors. So, if we can't -- if we can't work in our own country in support of marine disasters, homeland preparedness, stuff like that, but we can work in Afghanistan as contractors, you know, the private contracting community, that just seems odd. You miss some of the energy and the -- it would frustrate me to be sidelined in an emergency. That was number six.

Number seven. I feel that NOAA needs a policy that engages the best resources our nation can muster as efficiently as possible. There's 10,000 square miles a year that the HSRP has set as a target and NOAA has set as a target. We're at 30 percent of that this year. I think that is unfortunate. I think that 10,000 was somewhat of a compromise. In a way it's sort of a disgrace as a nation that our charts aren't more up to date. I commend NOAA's efforts in trying to improve that throughput, and I think technology has done it to some extent, but there's a limit to that. You still have to get out there and there's a lot of ground to cover.

There's emerging issues like the Arctic. The Arctic is going to require -- whether they're contractor assets, NOAA assets, some other partnership, it's going to require a huge commitment to freshen up the Arctic. The data up there is old and it was sparse to begin with.

I think the contracting has been a success story for NOAA. I feel that from my side that it has been quite good. It's been very good for our firm. I know that it's been good for the other firms. I think that contractors have brought a lot to the plate. It hasn't been a one way, it's been a partnership. Contractors have brought some methodology and some technology of their own. I think that you shouldn't limit yourself in this policy in pulling any tools that you can together, and I think that the contractors can provide some flexibility that, as I said, NOAA cannot.

In addition to the response in Texas, you know, in our 12 years of contracting we've used vessels, everything from a 231-foot ship -- basically a sister ship to the Rainier -- down to our own 19-foot ships. We adjust the vessels to the project, and I think that that is difficult to do if you, as NOAA does, have a fleet you cannot respond in different situations. I think you're going to find some.

There are some surveys coming up of rivers in Alaska, you know, going up these rivers out in western Alaska. It's going to require a completely different approach. NOAA doesn't have the right assets for it. The Arctic is going to require a different sort of assets. I haven't seen any proposals to build something specific to the Arctic. Even in the Arctic it's not one platform, it's probably several different types of approaches depending on whether it's in deep water, the Chukchi's quite open and deep until it gets up near shore when it's quite shallow. The Beaufort is generally shallow, there's very little fuel, the logistical concerns are huge, there's

ice. It's a lot of issues there.

Anyway so I think that with regards to this that you should retain the intent if not the exact language of the previous one, understanding that some parts need to be changed. Specifically referring to the ocean and coastal mapping.

One thing that I wanted to address -- I guess I could have done this yesterday. It's not specific to these draft changes, but I just wanted to point out because it's been discussed. The budgets that are available have been discussed. I just want to point out that the supplemental appropriations for contractors has not increased for the basic line item "address survey backlog" has not increased since 2006. There have been supplemental appropriations, but nobody is really expecting one next year, so I think that it's going to be difficult to meet that goal of 3,000 miles even, unless something happens.

So since 2006 the request has actually been lower. In 2006 the request was 31,487,000 and since then the request every year has been the exact same amount, $31,173,000. So I think the HSRP has a valid duty in asking why. Maybe they wouldn't have got it, but they aren't even asking for more money. They're not asking for more money for contractors. And during that same period of time NOAA'S hydro budget has gone up 27 percent. And I think, you know, basically you've even added more contractors to the pool. I think it's going to be more and more difficult as time goes on -- we haven't been flatlined. I mean, essentially that's a reduction because inflation

eats up part of it, fuel costs have gone up, labor costs have gone up over the last 5 years.

So I think that in responding to NOAA'S, you know, the HSRP's number one priority of increasing the throughput, there should be a request for more funds. Whether it makes it through or not, I think it needs to be made. The best way I've been told to get those things up is incrementally. You can't just say, "Well, we really need more money," and ask for twice as much. It doesn't work that way, but if you can show small, continual increases that could have been higher. The Hydrographic Services Improvement Act actually had higher authorized amounts. They just haven't been requested.

MR. WELCH: Mr. Newman, could you sort of conclude, because I think probably some panel members have some questions for you, and we also want to see if any other public members would like to speak to.

MR. NEWMAN: I'll conclude right now. I just, obviously I could go on. I would like to conclude and just, again, say that keep asking the question why there haven't been requests for increased contract funds. I would encourage the panel to try to stick to the original language as closely as possible. And would like to thank you for moving to have a more public meeting and additional time to consider these changes. I think they are significant. I don't know that anything's afoot, but it doesn't make the contractor community comfortable. We have put an investment into supporting NOAA and would like to see that investment continue to be rewarded. Thank you very much.

MR. WELCH: Thank you. Thank you for coming and being part of our meeting for the last 2 days. Thanks for all that your company does. As you can tell, the panel is a firm believer that private contractors have a critical role in the overall hydrographic program of NOAA.

I might add that it's hard to tell whether that NOAA has asked for more money for that additional line item. It hasn't survived in the budget request the President has sent out. But that doesn't mean that NOAA hasn't been pushing for it. There's several steps before a budget becomes public. We just can't say for sure because we don't know the internal workings of the Executive Branch. With that, let me see if any other panel members --

MR. NEWMAN: If I could just respond to that. Just yesterday it was said that the budget for 2011, I believe, the request that -- or -- one of them just went through and basically was "lightly touched" by Obama. I think that was the wording, that it was "lightly touched" by the Administration, so it's less than it was.

MR. WELCH: No, all budgets are heavily touched by -- what he meant by that statement was Mr. Obama didn't touch the budget that Mr. Bush had been preparing. The Executive Branch Office of Management and Budget, regardless of who is the president, they touch all budgets a lot before they ever emerge publicly. So they aren't just transmitted up and survive as originally requested by the line agencies. We don't know. It's possible that NOAA wasn't asking for more money for that line item, but we just can't tell by the public

documents.

But let me see if any panel members have some questions for you. Anybody?

[No response.]

MR. WELCH: I have one. I gather from your statement that you are satisfied with the performance of NOAA in implementing the current contracting policy, and you're generally satisfied with the language of the current contracting policy.

MR. NEWMAN: Precisely. I don't see reasons to depart from it much. Only where it was directed in the bill. Thank you.

MR. WELCH: Thank you.

Do we have other?

MR. WHITING: He's my partner in Terra Surveys. He bought me out. So, thanks, Tom.

MR. WELCH: Okay, good. Thanks. Do we have other public members that would like to make a statement?

[No response.]

MR. WELCH: We have a little bit more time for this discussion, we're scheduled to go for another half an hour. I have been listening and thinking. I think we've got two ways of going here. We could, as a group, if we feel like there are edits needed of this policy, we could try to edit and suggest, or we could just try to pass a statement what we felt like what the policy ought to look like in its final form. I'm more and more inclined to go the second route that would be some kind of a statement that would say: "We the panel feel

like the current NOAA contracting policy is fair and appropriate and has been implemented well and it should be the precise wording should be the basis for the revised policy with the only exception being changes that are absolutely mandated by the new law" which basically means expanding the term of -- expanding its coverage from hydrographic to the more general mapping policy. I'm leaning towards going that route, but I wanted to see what other people thought.

MR. DASLER: I think I would agree with your second approach there that it seems making a recommendation on that front. I also wanted to echo Andy's earlier comments about that. I think it is important moving forward. In contracting it needs to be a partnership. I think that's been -- it took quite a while to get things in place, but I think it's been proved to be a very beneficial partnership.

Also the concerns moving forward there's a lot of daunting tasks ahead and Jack's concerns on that and how these things are going to get funded and how they're going to get vessels to do this work and the funding available for that. But on the other hand, NOAA won't be able to -- again, for them to look at doing all those tasks and get all the vessels needed to attack the charting backlog and then, you know, the day we all look for when that's met, what happens with all those assets. So all that sort of weighs into it. I guess getting back to your recommendation, I would opt for the proposal.

MR. WELCH: Any other thoughts?

MR. WHITING: I dislike wordsmithing. I don't like the intent of

something that we already passed changed. We have that one recommendation that Tom pointed out, Mr. Newman. I would say I am happy with the current contracting policy. It needs to be changed as directed by the -- what, the ocean mapping act? I don't like word processing either.

MR. WELCH: Are there other members that have a comment on this? [No response.]

MR. WELCH: Virginia or Rebecca, do we have the capability of typing up a statement and showing it on the screen? If we could do that. If people don't object, I'm going to take the prerogative of the chair of trying to dictate a sentence or two, putting it up there, and then see if that can be the basis for some discussion. Just tell me when you're ready.

[Pause.]

MR. WELCH: That's good. Where you say, "the panel is comfortable," let's say, "the panel finds that the existing NOAA Hydrographic Services Contracting Policy fairly and adequately states a basis for satisfying the intent of the Act," whatever the name of the recent Act is. Then we say, "The panel urges NOAA to conform its revision of the contracting policy to the precise language of the existing policy, making only those changes absolutely required by the terms of the Act."

And I would put that suggestion before the panel for a discussion as a possible position. So is there any reaction or discussion?

[Inaudible question.]

MR. WELCH: Well what I mean by that is they would have to change the term "hydrographic" to "coastal" and whatever. Does the Act not require that? Doesn't it change the definition of hydrographic?

MR. ARMSTRONG: No, I don't believe it does.

MR. PARSONS: It broadens the scope beyond hydrographic services.

MR. ARMSTRONG: It doesn't change the definition of hydrographic services.

MR. WELCH: Okay we can say, "making only those changes necessary to broaden the policy."

MR. ARMSTRONG: I like the way you had it first.

MR. WELCH: What did you like? Update the definitions and requirements. Is that what you like? Read what you like.

MR. ARMSTRONG: "Making all of those changes required by the terms of the Act."

MR. WELCH: Okay.

MR. MCBRIDE: I'm just not reading this very well. "The Panel urges NOAA to conform it revision to the current contract," I don't understand that phrase "conform" in that phrase.

MR. WELCH: Well why don't we say "revise the current contracting policy." Get rid of the word "conform."

MR. MCBRIDE: That's what you mean?

MR. WELCH: Yeah.

MR. MCBRIDE: Okay.

MR. WELCH: I'm a lawyer. I'll say something in three words when

I can say it in one.

MR. DASLER: You want to say "revise" or "limited to"?

MR. WELCH: The panel urges --

MR. DASLER: "Limit revision to the current contracting policy making only those changes that are absolutely required."

MR. WELCH: Okay that's a good suggestion.

[Pause.]

MR WELCH: Panel members are you -- what is your reaction to the language as it stands now?

MR. WHITING: I think it looks fine this way. Looks good. I'll support it.

MR. WELCH: Anybody else?

DR. JEFFRESS: I think it's fine.

MR. WELCH: Roger and the NOAA folks, is the intent of what we want to say clear to you?

MR. PARSONS: It is.

MR. WELCH: Do I have -- is there any other discussion?

[No response.]

MR. WELCH: Do I have a motion then that the panel adopt this resolution and transmit it to NOAA?

MR. WELLSLAGER: I'd like to make that recommendation.

MR. WELCH: Do I have a second?

MR. WHITING: I'll second it.

MR. WELCH: Everybody in favor of that recommendation, say "aye."

ALL: Aye.

MR. WELCH: Anybody opposed?

[No response.]

MR. WELCH: The motion carries. And thanks to Roger and Tom and everybody that had input to the discussion here. And thanks to NOAA for scheduling -- altering its consideration of this to give us a chance to have a full blown discussion.

With that, I think we are scheduled for a short break. We come back at what time, Rebecca?

MS. ARENSON: 10:40.

MR. WELCH: 10:40. Thanks.

[The public meeting recessed at 10:05 a.m., September 24, 2009.]

[The public meeting reconvened at 10:41 a.m., September 24, 2009.]

MR. WELCH: Thank you. Our next agenda item is some further discussion about our procedure for updating the Most Wanted Report. Yesterday we talked about dividing ourselves into smaller groups to work on specific chapters or items of the Most Wanted Report and having fairly early conference calls to actually do the drafting work and the analysis. Rebecca has transcribed -- and Virginia -- have transcribed who indicated their willingness to be on what working group. I don't know if we made it clear yesterday that probably Virginia is going to be the staff person that is most prominently involved in coordinating all of us as panel members. Let's take a look at this list and see if it reflects what we said yesterday and if we are comfortable with it.

We have the letter from the chair which I think needs to be a thorough revision and I think I'll work with Tom about that after we advise him of what we did today. Here are the groups that indicated some willingness yesterday on the five different recommendations. Take a look and make sure that you are on the groups that you thought you would want to be on that we didn't leave you off.

Those are the four of us for the "aggressively mapping." Does that look good to people?

[No response.]

MR. WELCH: Then our "integrate mapping efforts," Jon, Adam, and Tom Jacobsen had indicated some interest in that in a prior email.

"Modernize heights," we've got Gary, Matt, Adam, and again,

Tom Jacobsen. Everybody comfortable with that?

[No response.]

MR. WELCH: "Strengthen the emergency and recovery capabilities," Matt and Jon. We're a little light on that -- you're volunteering for that?

MR. WHITING: Yes, I'll volunteer for that one.

MR. WELCH: Add Larry to that, please.

"The dissemination of data," Minas, Admiral West, and Elaine.

And then I'm going to work with Virginia, and Rebecca will communicate out to the members that couldn't attend and see if are there are any more people that want to be volunteers. Do we have anything more to scroll down to to look at? Okay.

This is supposed to reflect what we talked about. So everybody just sort of take a look and make sure they are comfortable with it. Again, either Tom or I will be sort of participating in each of the calls and perhaps it might be Tom for some and me for others. We are assuming Virginia probably will be on each call; correct?

MS. DENTLER: Either Rebecca or myself.

MR. WELCH: NOAA is going to also have whatever subject matter expert that they deem to be appropriate, so that we don't have to have subsequent communication with them. If you can go back up for a second.

Yesterday one of the things I suggested that we do is we make sure we were familiar with what I call the NOAA strategic plan

and make sure we saw the buzzwords. It actually is not the strategic plan that I was referring to, but the Annual Guidance Memorandum which got sent around to us by e-mail about 3 weeks ago and which is a very obvious reflection of the new Administrator's priorities. We'll make sure that gets sent around to everybody again so you can take a look at it, because I think that is probably the shortest and clearest expression that I've seen of the Administrator's themes.

MS. ARENSON: Do you want us to strike the strategic plans?

MR. WELCH: Yes, I think so. We don't want to get ourselves too loaded down with paperwork.

MS. DENTLER: Do you want us to go through the task force document?

MR. WELCH: Yeah, let's leave that up there even though that's not a NOAA document. I think it behooves us to take a look at that. It's not very long either.

Okay. Anything else here that strikes anybody as something that needs further work or changing?

[No response.]

MR. WELCH: Okay, is there more to scroll to?

Okay, this, I think, is important because this applies to all of us. There needs to be some preliminary work on everybody's part before these conference calls. Basically, we need people to be familiar with the five recommendations which I assume everybody is, and we the people to once again read the chapter that the call is going to be dealing with and make some judgments of your own as to

what can stay and what should be updated. Be ready to discuss that on the call.

In fact, it might even be advisable if you know what you want to say to e-mail it out to your participants ahead of time just in the interest of keeping these calls just as short as they possibly can. It doesn't necessarily have to be the actual text, but point out what it is you want to raise or discuss or that type of thing.

We will need at the NOAA level probably some kind of mechanism to send out a reminder about the call, how to call in, and that type of thing in sufficient advanced notice. Okay.

MR. WHITING: It's just a matter of coordination between the groups that I'm with. After October 19th I'm going to be traveling quite a bit.

MR. WELCH: Okay. I think we are going to get to a calendar here in just a second.

MS. DICKINSON: We're going to get a NOAA staffer assigned to each group?

MR. WELCH: I think it will either be Virginia or Rebecca or both.

MS. DICKINSON: Okay.

MR. WELCH: But I want to emphasize that if it comes to revisions of the text, that should be considered to be primarily our responsibility. If it's updates of statistical information, or we need some research done, or that type -- to get some background data, we can task the appropriate person at NOAA to do that. But in keeping

the text writing to ourselves does a couple of things. First, to make sure it's our product; second, it frees up the NOAA folks because they really ought not to be writing our recommendations; and, third, it gives us an incentive not to make too many changes to the text that are unnecessary because we would have to do it ourselves. Okay?

Any other questions?

MR. WELLSLAGER: I guess it's a thought. We received the straw man from you as a Word document of everything that is in this is the recommendations; right? So would it be kind of logical for us to just go ahead and use that and make the changes to that document and then resubmit that back?

MR. WELCH: Yes, and, in fact, I suspect although I haven't talked with Virginia and Rebecca, they'll fix up something where either that is distributed once again in advance of the call; I don't know if whether we have the capability or want the capability of actually having a conference call with text editing on your computer screen where everybody can see a change at the same time. I don't know how complicated that is or whether that's necessary.

MS. ARENSON: We can do that. We'll look into it and see what our options are.

MR. WELCH: But, yes, that's the document that we'll use. That was nice to have it converted back to Word. I don't know how much work it was to do that conversion, but thank you very much.

MS. DICKINSON: A quick question. Yesterday in one of the presentations somebody had a really great quote from the Governor of

Oregon about how they rely on -- was that yours, Steve?

CAPT BARNUM: Yes, my presentation.

MS. DICKINSON: Okay, I was thinking that might be something really good to pick up.

MR. WELCH: Why don't we, right down under the new examples put a new bullet and say, "Consider quote from Oregon governor." I don't remember the quote, but we can take a look at it again.

Similarly, another thing that we could consider and put in right there just to remind us is, if anybody got any really nice pictures of Secretary Locke on the Bay Hydrographer II, that might not be a bad thing to put in the report.

CAPT BARNUM: That's a contractor vessel.

MR. WELCH: Oh, that's right. Sorry about that, Jon.

CAPT BARNUM: We do have pictures.

MR. WELCH: We'll identify it as a contracted vessel.

Just put "Secretary Locke" so we remember to look and see if there is such a thing.

MR. DASLER: I think we can look for those but NOAA could as well as better examples of wrecks and obstructions.

MR. WELCH: Right. Okay.

DR. JEFFRESS: I have a good example for height modernization as a new example of flooding in a subdivision in Texas as a result of hurricane Ike.

MR. WELCH: "Ike floods Texas."

MR. SZABADOS: I don't know if I have them, but there were some

good quotes from the pilots down at the dedication of the PORTS® system, and we may want to capture some of those words.

MR. WELCH: I was going to do this a little bit later, but do people have their reports in front of us? Would it be worthwhile to just sort of flip through for 2 or 3 minutes and see if there are pictures that jump out at us as pictures we don't want anymore? Or pictures that we feel like are so good that we absolutely, positively want to keep them?

MR. DASLER: Is there pictures now of the Hassler that they can put in as opposed to just a sketch?

MR. WELCH: Let's put a question mark, "update Hassler."

MS. ARENSON: What page is that?

MR. WELCH: It might not be painted with the NOAA insignia on it yet. Let's make sure we see what this picture looks like before we decide whether we can use it or not.

MR. DASLER: We mentioned yesterday the possibility of a graphic that showed the age of charts, not just in Alaska but U.S. territorial waters. Is that something that NOAA staff can produce by that time and we could look at to evaluate?

MR. WELCH: Let's put that on as something to consider, "graphic on age of charts" -- of data, I'm sorry. Can someone tell me why we have this picture of the SS Normandy on here? That's on Page 18. Does it have anything to do with NOAA?

MR. ARMSTRONG: It must be contrasting the old and the new, but that's a pretty big, old ship. I was wondering why we had the Tampa

towboat as the image under port studies on Page 20.

MR. WELCH: On Page 27 we may want to substitute for -- I don't know. Minas, is this vessel still under the U.S. flag, or has it been changed?

CAPT MYRTIDIS: No.

MR. WELCH: It's been reflagged and renamed; right? We ought to have an accurate picture.

MR. SZABADOS: Yesterday, in talking to Admiral West and his interest in section five, for other uses, he was talking about climate and the challenges. I think in looking at the geospatial we can probably get another image tp represent the importance of climate and sea level geospatial. I think that would be part of the process in working with the group.

MR. WELCH: Okay. Maybe we can get a picture of Andy all bundled up, up in the Arctic?

MR. WELLSLAGER: Out of curiosity, would it be possible, since the PORTS® at Lake Charles is the newest one online to replace that with the image on 16?

MR. WELCH: I think that would be worth investigating.

DR. JEFFRESS: I was wondering, I'm not a psychologist or a marketing person, but I was wondered if we should have an image on the front of a disaster, like the wolf at the door, showing what this is all about trying to prevent rather than this glossy picture of how wonderful things are. So if it's so wonderful, why would we want to change it. That's just something to think about. I don't know the

answer to that.

MR. WELCH: This is just some preliminary thoughts. We will wait for Virginia to catch up with us here.

MR. WHITING: I've got one more. The ship index here probably should be updated.

MR. WELCH: What page are you on?

MR. WHITING: On Page 8, the projected end of service. Some of those may have changed.

MR. WELCH: They're going to be a couple of more charts, like budget cycles and that type of thing. Each working group needs to look at the pictures within their chapter to give us their evaluation. We'll put additional eyes on all the pictures. Okay.

Let's go down to our calendar. October ends a week from today. Before we schedule anything, I guess the first question is to the NOAA staff which is they've got to get back into town and get decompressed from this meeting and do whatever wrap up stuff. When do you think you can legitimately be ready to support conference calls starting?

MS. ARENSON: I would say I wouldn't start them before the 12th, which is actually a holiday, so from the 13th on.

MR. WELCH: The second question is: how much can you take in a week? In other words, can you do one call a week, can you do two calls a week? Have you had enough of us?

MS. ARENSON: We can do plenty of calls in one week. It's partly going to be making sure we can get the subject matter experts from the

different offices as well. You could do one a day, I don't think that's a problem for us. If we've got the people.

MR. WELCH: So if we have the people, we could have an intense burst of calls and get it over with.

Larry, let's see who has time constraints, and you mentioned yours.

MR. WHITING: In my case, I'm going to be traveling on the 19th and I'm not going to stop anywhere until probably the 27th.

MR. WELCH: You would be available for a call the week of the 12th?

MR. WHITING: Yes, until the 19th, even on the weekend.

MR. WELCH: Well let me ask this, is the week of the 12th something that people could do in theory, do at least one call then? [No response.]

MR. WELCH: Some of us are going to be on more than one call. So that might be tough expecting people to do two or three calls -- I mean the NOAA staff could do it, but they're the NOAA staff. They can do that kind of stuff. We aren't quite as good as they are. So we might have to space out calls just so the panel members aren't back to back to back. Can we set as an objective having calls over a 2 week period from the 12th to the 23rd?

MS. ARENSON: Yes.

MR. WELCH: Would it be possible for everybody here that's going to be participating in a call to look at your calendars and to quickly send to Rebecca and Virginia days that you absolutely, positively

could not do a call during that time?

[Affirmative non-verbal response.]

MR. WELCH: Can you do that right away, like this week? Okay. Do you think that would give us enough information to try to schedule calls where there are the fewest possible problems and conflicts?

[Affirmative non-verbal response.]

MR. WELCH: Okay, we will do that. It's important for us to get those calls done so that then the NOAA staff can go to the experts and pull in those folks and get that on their schedules in sufficient time.

Mike, Juliana, does this sound workable to you all?

MS. BLACKWELL: Yes.

MR. WELCH: Steve?

CAPT BARNUM: Yes.

MR. WELCH: Okay, what do we need to talk about today that we haven't? Because I'm about talked out. I don't know what else to mention here. Rebecca? Virginia?

MS. DENTLER: I guess get the proposed changes to us via e-mail and we'll try to compile them to the best of her ability.

MR. WELCH: You mean after --

MS. DENTLER: -- well, before and after. Like if you guys have read through before the initial kickoff.

MR. WELCH: Let me ask this because these are fairly small groups. Do we need to take any kind of advanced proposed changes and send them to the NOAA staff and have the NOAA staff send them out to

us, or are we capable enough to cc it to all of our fellow people on the small.

MR. WELLSLAGER: I think cc'ing wouldn't be a problem. We can take care of that.

MR. WELCH: We'll cc you too, but you have enough to do without being a third party transmitter.

MS. ARENSON: I agree with you. If they are rewriting, let's let folks deal with that at their meeting, and then go from there.

MR. WELCH: What we will do if we can, is we will ask the NOAA staff to do is send out an e-mail to all of us fairly quickly after this meeting listing everybody that is on what group. That way we will remember who signed up with us. I will talk with you all offline about how we communicate with Tom and our missing panel members. Because we want to get them involved in the process to the extent that they want to. Okay? What else?

[No response.]

MR. WELCH: I think we've pretty well gone as far as we can go here. Thank you. If we can stick to it, we've got a plan here.

MS. ARENSON: So I was going to mention lunch. We are a little early but lunch is at 1130. We are meeting with the Great Lakes Maritime Research Institute with their folks as well. It's going to be up in the restaurant at the top of the hotel. It's just informal, sitting with another group. So it would be really nice instead of sitting with all of the people that you already know from this group, if you could mix and mingle a little bit. I think there are quite a

few more of them then there are of us. That's pretty much it. That starts at 11:30 and runs to 1:00, so if you could be back by 1 o'clock for kicking off the afternoon.

MR. WELCH: I think it is important for us to get back by 1 o'clock because want to try to move sufficiently along in the afternoon, first so that everybody can get out of here that's leaving without having to run at breakneck speed; but, secondly we would like to see if we can take 15 minutes or so somewhere in the afternoon and see if Andy can give us a little description of his work.

Unless you felt like you've got enough time to do it right now. Or are you prepared to? We've got 15 minutes. Can we try?

MR. ARMSTRONG: Sure.

[Pause while Mr. Armstrong sets up for his presentation.]

MR. WELCH: We are privileged to have Andy tell us about his excellent adventure in the Arctic.

MR. ARMSTRONG: Thank you. I thought I would just start off with a very short PowerPoint just to put the trip in context so you can see why we were actually there. We were there to map in support of an extended continental shelf. [Next slide.]

This whole extended continental shelf thing is based on the provisions of the UN Convention of the Law of the Sea which has been signed by of the United States, but has not been ratified by the Senate. It has been recommended by every president. It could happen, and we're hopeful that the ratification would happen. In any event, we're anticipating a U.S. extension of the continental shelf under

this treaty. [Next slide.]

So to extend the jurisdiction of the United States, the sovereign rights over resources of the seabed and subsoil, you have to establish that there is a natural prolongation of the continental landmass. That is done by a set of rules that require that you measure depths and the shape of the sea floor the thickness of underlying sediments and distance from the territorial baselines. So it turns out you need to find this place called the foot of the slope a 2500-meter contour. The place where the sediment thickness is 1 percent of the distance back landward towards the foot of the slope. So this is a ratio of sediment thickness to distance from the foot of the slope, and then you have to need territorial baseline. Bottom line is you've got to do seafloor mapping and that's we're doing here in the Arctic. [Next slide.]

Quickly to find out where the extended continental shelf goes, we start with this picture of the continental shelf here. And the first thing we look for is the foot of the slope. That is the point of maximum change in gradient at the base of the slope. And then we go out 60 nautical miles. So that's one of the possible limits. Or we can go out to where this sediment thickness here is 1 percent of this distance back to the foot of the slope. That's another possible limit. We get to choose the best of those. [Next slide.]

But despite where this is, we have a limit that we can't go past and there's two possibilities for that limit. Those are called

"cutoff lines." The first one is the 2,500-meter contour plus 100 nautical miles. An alternative is 350 nautical miles from the baseline. Again you get to pick the best possible case. You find the limit lines and then you find the cutoff lines, and the limit lines can't be farther out than the cutoff lines. So both of those things require the seafloor mapping. And in the case of the Arctic, both of them apply and part of the territory. [Next slide.]

So our seafloor mapping out there in terms of bathymetry has been looking for the 2500-meter contour, looking for the foot of the slope. We've been doing this in lots of places, just to give you an idea. We started in 2003 with the Bering Sea. We've mapped in all of these places except Kingman Palmyra, and that should happen soon. We have another crew that's going on right now in the Gulf of Alaska.

Just since we've been talking about contracting we've used a variety of assets for these trips. We've used contractor vessel in the Bering Sea. We used a Coast Guard cutter and university employees in the Arctic. In the Gulf of Alaska we used UNOLS vessel. In the Atlantic we used the Navy vessel with support from contractors. Gulf of Mexico was a contractor vessel. Marianas was the Navy survey vessel. We don't know yet about Kingman Reef. So lots of different sources of support for these. We've done significantly over a million square kilometers of seafloor mapping in the course of this project. Unfortunately, most of them wouldn't be categorized as critical areas, but they are critical for the extended continental shelf. [Next slide.]

So in the Arctic is probably the biggest place we would have extended continental shelf. And that's because the biggest part of the Arctic is actually continental shelf. Here's the Arctic Ocean, here's Alaska, and here's the continental shelf and then you see these extensions. [Next slide.]

There are five nations that have shelves: the United States, Russia, Norway, Denmark and Canada. And so somehow all of us are going to be moving offshore here and there's going to be lots of overlap so there will be plenty of work for the State Department negotiators in dividing this up after the science teams map the seafloor.

So this is the existing map of the Arctic. It's actually more detailed looking than we know. This is mostly based on sparse soundings and the information that we've gathered so far in the 5 years we have been up in the Arctic. This is a sort of a European view, so Alaska is upside down here. This is Alaska and this is the Chukchi borderlands, Chukchi Cap area. This is the primary basis for the U.S. extension of the continental shelf. This is the Alpha Mendeleev Ridge. This was the Alpha Ridge and this was the Mendeleev Ridge and then they discovered that they were connected, so we call them the Alpha Mendeleev Ridge.

So we've actually been lately looking at the possibility that some of this is an extension of our continental shelf. Lomonosov Ridge and Gackl Ridge. The Gackl Ridge is a seafloor spreading center and that's an area that is specifically excluded as a possible

extension of a continental shelf. Everything else is probably fair game. [Next slide.]

So this was our trip this year. We started off in Barrow. We came out here. We calibrated the echosounder, took some sound speed casts, and then actually began. Most of this trip was breaking ice for the seismic system on the Canadian Coast Guard cutter. We did a little loop for some hydrography. This was the farthest north we got. It was 8415 north. So there was pretty heavy ice in this area. This area right here is the heaviest ice in the Arctic. It's the area where there's really been no loss of sea ice and it's sort of the last preserve of the multi-year ice.

We also did a couple of little excursions for multibeam mapping and then came back in here and dredged the seafloor for some rocks. This is the U.S. EEZ. This is the 350-mile limit from the baseline, and this is the 2500-meter contour plus 100 nautical miles. So we originally thought the foot of the slope was going to be here, and that this was going to be sort of the maximum amount of the U.S. extended continental shelf moving out to the 350-mile line here and the 2500 plus 100 nautical miles here. But a couple of years ago our survey actually found that the foot of the slope moved out here, so now we're thinking that maybe that's open for the U.S. extended continental shelf. Of course we will have to settle that with -- we'll have to divide that up with Canada who will be coming out this way, of course. We have an agreement with Russia already along this line. The EEZ here with Canada is not even resolved, so there's lots

of negotiation to be done there. [Next slide.]

Okay, this is a picture of the seamount. Our line was supposed to take us across here, and then we diverted to go by here. This happened at lunchtime when almost nobody was there except our teacher at sea and she was on watch and as we were coming along here all of a sudden this little bit of this seamount came up and she alerted us all and we managed to twist the Canadian's arm a little bit and we diverted the trip there, following behind us with seismic grumbling the whole way. We actually mapped this seamount here which comes about 1100 meters off the seafloor. A thousand is what qualifies as a seamount. [Next slide.]

Here's another image of the seamount. What was interesting about this seamount is it was sort of all alone out in the middle of the Canada basin. As you saw, there's lots of relief up there, but the Canada basin is really flat and featureless, at least except for one seamount. [Next slide.]

I think we were talking earlier with some of you about the ice sheet scours and features here. We often see areas where there's these grooves in the seafloor in the Arctic, but they're kind of random. If you look here, these things are all aligned together in the same direction. So all the way from here around to here we see these parallel grooves coinciding with about 400 meters of depth. It's a little bit deeper here. Then there's these big wave features. We think that's where an ice sheet was actually extending out and maybe there was some water motion underneath and then it was scraping

on the seafloor here. These are just some cross sections. [Next slide.]

This is a pockmarked area. This is a place on the Chukchi Plateau where there's all of these pockmarks popping up and those are caused by some sort of gas escaping from the seafloor. These are the kinds of evidence that the geologists suggest that there is hydrocarbon reserves here. The gas could come from a variety of sources, but it's very possible that it's a hydrocarbon type gas. It's possible it is something else too. So these are big things, 200 meters across 20 meters deep.

Okay that's a quick PowerPoint here. This is the port of Barrow. It's really just a beach. There are some containers and there's a barge offshore and these bulldozers here are the, sort of the anchors. They smooth out the beach and then the barge comes up and then they connect cables to it and hold the barge along the seashore with these bulldozers here. [Next slide.]

MR. WELCH: Mike, where is Barrow on your list of priorities for PORTS® installations?

MR. SZABADOS: Good question.

MR. ARMSTRONG: So this is the port office. A little flamingo out there. This is some of us waiting to get on a landing craft to get offshore. The port of Barrow is a dual use facility. It is also the Barrow High School football field. This is an Astroturf field here right on the beach at Barrow. That's one of the lagoons behind the bulldozers. Back here is one of the old DEW line sites. A big

missile warning site. There's still some staffing here.

So here's the Barrow High School Whalers football team in a huddle.

UNIDENTIFIED MALE: [Inaudible question.]

MR. ARMSTRONG: What's that? Well, they play Nome and Katsabu and the teams from Anchorage come up. This field actually got put in after they played -- they went down to the lower 48 and played a football game somewhere in Florida, and the Florida team said, "Where do you play at home?" and they said, "We don't have a football field." So this group of citizens from Florida raised money and 2 years ago brought this field up here and installed it at the port. That was a real exciting event for Barrow. It actually was. It's something that really encourages the kids to stay in school and participate in high school. [Next slide.]

These were some of our grad students getting ready to go out. This is Rachel Soraruf, a NOAA employee. Christina (ph) is a student from Brazil in the JEBCO sponsored program, and this is Nikki (ph), one of our traditional grad students. [Next slide.]

Here's our transportation to the Healy coming in to shore. [Next slide.]

This is the previous science party trudging ashore. [Next slide.]

Some fresh eggs and vegetables going onto the craft to go with us. [Next slide.]

After we got out to the ship, one of our first things was

to pick up a hydroacoustic mooring that's been listening on the seafloor for marine mammal sounds for the last year. So we popped that up and bring it aboard and then the researcher from SCRIPPS who is working with that analyzes it for the duration of our trip, downloads the data and prepares the mooring to go back in and then we drop it off on the way in. [Next slide.]

This was a Navy glider that we deployed. We had a little Navy team that came with us to try out this glider in the Arctic. They dropped this thing in the ocean out here and it just bounces up and down. It's got no propulsion other than the changes in buoyancy. So as it sinks, it progresses forward. As it rises, it progresses forward. Every time it comes to the surface it reports in and sends back water column information; salinity, temperature, whatever sensor they have aboard. It uses very little current. It's controlled by an operational center in Mississippi [sic] at Stennis Space Center. So they can drive it around wherever they want to. [Next slide.]

We met up with the Louie and took our station ahead of them to break ice. This is sort of the outer edges of the ice pack. It's what we'd call maybe 410 ice or something like that. The ice is not this sort of solid sheet that just has a big front. It kind of thins out and thickens up variously as you move in and out of the pack. [Next slide.]

There is another shot of the Louie; a little more ice. Here is the Healy breaking some ice. This is only about 3-feet thick, so it's fairly thin. The Healy just moves through this as if it

weren't there. [Next slide.]

This is the watch station that we used to do the mapping and we're a few more people than usual here. This is our teacher from sea. This is a grad student from France. This is Dale Sheas (ph). The NSF provided scientific support for the crews. Here's me and this is one of our other watch standers.

MR. WELCH: Andy, can we maybe take an intermission because the folks have sent word that they are ready for us up there. So if we can we'll play intermission music? We do need everybody to come back by 1:00 o'clock.

[The public meeting recessed at 11:35 a.m., September 24, 2009.]