

Committee on Resources,

Subcommittee on Fisheries Conservation, Wildlife & Oceans

[fisheries](#) - - Rep. Wayne Gilchrest, Chairman

U.S. House of Representatives, Washington, D.C. 20515-6232 - - (202) 226-0200

Witness Statement

**STATEMENT TO THE COMMITTEE ON RESOURCES,
SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS,
U.S. House of Representatives**

**Regarding Reauthorization of the Hydrographic Services Improvement Act of 1998
September 13, 2001**

Submitted by Helen A. Brohl, President, National Association of Maritime Organizations

Chairman Gilchrist and Members of the Fisheries Conservation, Wildlife and Oceans Subcommittee, I thank you for the opportunity to participate in the reauthorization hearing of the Hydrographic Services Improvement Act of 1998 and your interest in navigation services in the United States.

My name is Helen A. Brohl. I am here today representing the National Association of Maritime Organizations (NAMO) which is comprised of 17 shipping associations and maritime exchanges from all four seacoasts of the United States: Chicago to New Orleans, Seattle to Hampton Roads, LA to New York. [Membership list at end of statement.] As the executive director of the U.S. Great Lakes Shipping Association - itself a NAMO member - I am currently serving a two-year term as NAMO president. NAMO's membership brings together an important component of commercial maritime in the United States - that which is concerned about issues directly or indirectly impacting the safe and efficient navigation of vessels into and through U.S. waters. Navigation services under the National Oceanic and Atmospheric Administration's National Ocean Service (NOAA/NOS) division directly impacts our operational interests in the safe and efficient navigation of commercial vessels.

As a young Sea Grant Fellow with a staff position on the old House Oceanography Subcommittee handling budget review for NOAA's Coast Survey, I recall that the program received very little attention and consideration. Industry was not standing in the wings 17 years ago. I am proud to say that I am here representing an organization that testified at the 1998 hydrographic services hearing and helped raise awareness and funding for up-to-date charts of our navigable waters and NOAA's role in navigation services programs. We thank the many Congressional advocates who have turned around this important program and allow us today to talk about continuing and expanding on the successes of the past few years.

The Hydrographic Services Improvement Act of 1998 specifically spells out hydrographic responsibilities of the Administrator of NOAA. We believe that the National Ocean Service, as the implementing arm for the Administrator for these responsibilities, has fulfilled that mandate very well and lived up to the increased financial support. We have had experiences, however, where other functions under NOS have been in conflict with their effort to work productively with maritime. This may be resolved in the spirit of the Marine Transportation System initiative. We also believe that it may be time for NOS to review their goals and priorities with industry input.

NOAA has successfully expanded and improved its ability to acquire and disseminate hydrographic data

with the additional funding from recent years. It is NAMO's understanding that the NOAA versus private surveying contractor relationship for accumulation of data has been streamlined and is quite successful. As you may know, there are 500,000 square nautical miles of navigationally significant waters in the United States - which is about 300 years of work. Getting to the survey "backlog" has been a successful appropriations priority. We are pleased with this success but NAMO has always been just as concerned for the dissemination aspect of their mandate which has not received equal support. This is partly the fault of industry for not asking the right questions during the appropriations process and NOAA not making this need clear enough. Data collection is important - but only valuable - as it contributes to updated and accessible nautical charts whether electronic or paper.

We believe it is imperative that a thorough examination of chart dissemination based upon the needs of industry be organized by NOS with industry participation. This would include the role of electronic charts, raster charts, paper charts and mechanisms for access on demand. We would expect that electronic navigation charts (ENC's) will be the most efficient way to provide virtually real-time chart data to the consumer - whether it be through professional navigation system operations such as ECDIS, in conjunction with automatic information systems (AIS) or via the home computer. Yet, we cannot emphasize enough that there is still the very real and immediate need for updated paper charts.

The U.S. Coast Guard under 33 CFR 164.33-164.41 states that no person may operate or cause the operation of a self-propelled vessel of 1600 or more gross tons without an updated marine chart of the U.S. waters in which it sails, excepting innocent passage. It is still the practice on commercial cargo vessels that a NOAA paper chart of those waters is kept on the bridge. The paper chart provides a readily accessible and broad view of those waters. It also allows the mariner to make written notations from the "Local Notice to Mariners." This is essential since it is rare that charts are updated to that moment of use. In fact, many of the paper charts are woefully outdated. The Coast Guard hand of government is mandating the use of outdated charts from the NOAA hand of government. Isn't this a job for MTS?

New data is often already in the NOS database but not getting to the consumer because of low funding. This, of course, impacts any form of nautical chart. But again we remind the distinguished committee members that mariners will continue using paper charts as long as lap top computers don't fit into the outboard fishing boat or AIS transponders are not yet integrated into a vessel's technology or there is no Physical Real Time Oceanographic System in every reach of our navigable waters.

NOAA has been wrestling with the issue of "print on demand" charts for a number of years. It was once proposed that there be a central phone number that could be called and for a very small fee - less than \$20.00 - a newly-printed chart based upon data at the moment would be overnight expressed to the customer. Naturally, chart agents objected to this idea. There was also a real attempt to get chart agents to have plotters in the local store which could link to NOAA data and print the most updated chart on demand. It is our understanding that only the more expensive plotters produced the best charts but were too expensive for the average chart sales agent. NAMO would like to see NOAA continue and accelerate their investigation into the subscription program which would automatically provide chart updates whether by paper or computer disk. We don't care if those updates go to the chart agent (as long as the cost remains reasonable) or directly to the ship agent but we need updated paper charts sooner than later and don't want the excitement of electronic charting to put that effort aside nor do we want to hinder work toward free and accessible electronic charts.

NOAA needs considerably more funding to pursue electronic navigation charting, raster charts and paper charts and to incorporate the advancing technologies associated with providing updated nautical charts to the

commercial or recreational maritime community. It is our understanding that NOAA works with the U.S. Coast Guard and the U.S. Army Corps of Engineers to receive new data. It is our experience that the Corps of Engineers is often providing obstruction and sounding information in digital format. However, we do not know if this is standard from Corps district to district or if all Corps offices are regularly sending any information at all. This was an issue in the Great Lakes which is resolved because of industry intervention. What of other areas around the country?

Obviously, information transfer is essential for all key commercial navigation areas. For example, port authorities work very hard to get Corps of Engineers funding to dredge their port area. If the post-dredge soundings do not get to NOAA in Silver Spring, MD for updating of the local chart, it is as if the port was never dredged. We can quote you vessel masters who live by the chart in front of them, not what the pilot on board may believe is there from experience. Whether it's Duluth or Hampton Roads, even inches of additional under keel clearance matter when loading cargo. Who is reminding the Corps of Engineers to request proper support for their digital information development and ensuring that their information is directed in the best format possible to NOS? Sounds like a classic case for MTS!

We must commend NOAA for taking the initiative with being deeply involved with the development and adoption of standards that will stand up within the international community. NOS has an active and lead role with the International Hydrographic Organization and actively participates with the International Maritime Organization to ensure that the both the national interests and the real needs of the mariner are brought together. We believe that NOAA's expertise in hydrographic data standardization, collection and dissemination rivals that of any other country in the world.

Just as the creation of updated charts is of the utmost importance to the safe passage of commercial cargo vessels through the navigable waters of the United States, NAMO fully supports the Physical Oceanographic Real Time System or PORTS technology in conjunction with AIS as the most multi-dimensional information station available to guide vessels through commercial hubs and by-ways. It is the experience of those NAMO members that have responded that the NOS expertise and capabilities with PORTS is very good. However, NAMO believes that the funding mechanisms are prejudicial by nature and therefore, should be provided from the general treasury.

PORTS technology builds on water level gauge information which is also managed by NOAA but traditionally funded from treasury. Water level information - which can now be viewed free of charge online - is actively used for environmental predictions and fisheries management as well as navigating. Yet, only the localities that can find a large sum of money to pay NOAA for a PORTS station, get to have a PORTS station. Does a city ask its citizens to create a coalition, come up with a design and find a funding source in order to put a stop light at a busy intersection? That stop light is funded from the local tax treasury because it is essential for the safety of the citizens. Perhaps it was once thought that a PORTS station would pay for itself through additional business. However, PORTS has not proven to make a port more competitive, just safer.

The current requirement for a port or maritime organization to find a million dollars for a PORTS station excludes many deserving areas because of the cost itself but what of those areas that are essentially by-ways rather than a central port? What local organization(s) takes responsibility to acquire a PORTS station for a dangerous reach of a river that has no local port attached? What about busy fishing inlets outside of a port authority jurisdiction? They too deserve the most advanced oceanographic real-time data with which to navigate. PORTS is a basic safety feature that corresponds with the Federal Government's MTS initiative. NAMO asks the Committee to view PORTS as an essential safety feature of every important navigation

channel in the United States.

The federal agency presentations at MTS briefings show pictures of bigger ships and congested ports which in our perspective doesn't mean spend billions of dollars, taking many, many years to dredge as deep as you can go. It means we need to install PORTS stations and any other navigation safety technology available in critical areas to address this congestion now including making sure that the many basic water level gauge stations around the country are in good shape and providing real-time data. It is a penny-wise choice. But if the relatively small investment still scares you, why not allow the use of Harbor Maintenance Trust Funds? An authorization of even \$6 million per year for new builds might allow two or three PORTS stations to go on-line each year and the upgrade of a large number of solo water level gauge stations. We would have to ask NOS, but its possible that the total cost for maintenance of all existing PORTS stations might be less than \$2 million per year.

Since the inception of MTS, there has been associated discussions about the "cost of MTS." Rather than view MTS as this lofty, new ideal, we would like NOS to see it as a collection of immediate needs. PORTS, gauge station upgrades, and updated, accessible nautical charts are a small immediate need that will go a long way to making our critical navigation areas safer and U.S. trade more efficient and competitive. Allow us to remind you that it is the trade associated with waterborne transportation that provides billions in Customs revenue each year. We believe that funding these types of navigation services from the treasury or the Harbor Maintenance Trust is a reasonable request.

Chairman Gilchrist specifically asked us to address how NOAA programs relate to the Marine Transportation System or MTS initiative. NOS programs, in particular, are absolutely the most intimately tied to the promotion of a safe and productive maritime transportation system and we commend NOAA for its leadership role in MTS. NAMO believes that there should be much more emphasis on ways to improve the system now. We also believe that much more work should be done toward intra or inter-agency coordination of maritime related programs. The maritime industry is subjected to approximately 127 different user fees from an array of federal agencies who do not consult about the total impact of these measures. For example, U.S. Customs charges vessels an overtime fee for inspections which isn't used for the overtime service of the agent who then may not have enough overtime money in the local budget to provide an inspection in overtime. Providing Customs inspection at the dock is important for promoting trade in the United States. Are these day-to-day operational issues part and parcel of the MTS initiative? Is there a representative from every agency that charges a maritime fee on the MTS Interagency Working Group?

NOAA has initiated a leadership partnership in MTS with the US Coast Guard and US Maritime Administration. This is appropriate and welcome. The goal of MTS is to have an active and positive information exchange and working relationship between government and industry. We have found the navigation services office of NOS to be very interested in working closely with industry. We ask NOS to ask the same of their other divisions such as the Office of Ocean and Coastal Resource Management. NAMO members are responsive to the need to coordinate vessel operations with natural resources needs such as with the Right Whale migration on the U.S. East Coast or the need for ballast water treatment. We have been surprised to find, however, that working together is not always an option for sanctuary interests in NOS. We are respectful of agency regulations and requirements but would rather work together for viable navigation options as it only proves more productive in the short term and better for long-term planning. It is important that these day-to-day maritime transportation issues be actively resolved for a better MTS.

The Hydrographic Services Act of 1998 has been helpful in bringing NOS to the forefront in recent years. We have to thank Members of Congress and well-informed committee staff members who have facilitated much of these strides. It is now time to thoroughly review the next step. NAMO believes it is entirely appropriate to create an NOS-industry working group if not formal advisory committee to prioritize programs and better understand the associated funding needs. We do not want NOS requirements to fall through the cracks because of a piece-meal approach. NAMO has an extraordinary pedigree of members with a day-to-day interest in the development of NOS programs and would be pleased to participate in such a group.

Thank you again for the opportunity to participate in the Hydrographic Services Act reauthorization hearing. I would be pleased to respond to any questions from the Committee.

Members of the National Association of Maritime Organizations: Association of Ship Brokers and Agents; Boston Shipping Association; Columbia River Steamship Operators Association; Connecticut Maritime Association; Hampton Roads Maritime Association; Jacksonville Maritime Association; Marine Exchange of LA/LB Harbor, Inc.; Maritime Exchange of Puget Sound; Maritime Association of the Port of Charleston; Maritime Association of the Ports of NY/NJ; Maritime Exchange of the Delaware River and Bay; Steamship Association of Louisiana; Puget Sound Steamship Operators Association; Savannah Maritime Association; South Jersey Port Corporation; US Great Lakes Shipping Association; and West Gulf Maritime Association.

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