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Protecting the oceans

■ President Bush should create a national council to develop ocean policy.

On Monday, the U.S. Commission on Ocean Policy released its final report, and President Bush has 90 days to respond.

The commission's findings are troubling: several fish species are in danger of being overfished; road runoff continues to pollute coastal embayments; and commercial interests threaten fragile areas because of an inadequate ocean management system.

"President Bush has a historic opportunity to show leadership and commit federal resources to restructure our ocean management system..." said David Festa of Environmental Defense.

"Just as Teddy Roosevelt expanded the areas protected in national parks, an oceans president should expand the protected areas that are critical for ocean recovery," said Festa.

Once such area that should be protected is Nantucket Sound, now in the cross hairs of a developer who would build 130 wind turbines there.

As he reviews the ocean commission's final report, President Bush should advocate fundamental ocean reform, Festa said, including the:

- Protection of fragile ocean and coastal habitats;
- Reduction of runoff that pollutes the oceans and harms wildlife;
- Creation of an interagency National Oceans Council.

Such a council could help identify the appropriate and inappropriate places to allow commercial development - everything from offshore wind farms to liquefied natural gas platforms - in federal waters.

Currently, federal management of offshore wind farms is inadequate, according to the Commission on Ocean Policy.

The commission questioned whether the U.S. Army Corps of Engineers is the best agency to issue a permit for the Cape Wind project under Section 10 of the Rivers and Harbors Act.

Section 10 "lacks the management comprehensiveness that is needed to take into account ... other ocean uses in the proposed area and the consideration of a coherent policy and process to guide offshore energy development," according to the commission.

Just last week, the state attorney general's office argued in federal court that the Army Corps does not have legal authority to allow the use of the seabed in Nantucket Sound for the proposed wind farm.

According to Attorney General Thomas Reilly, Congress is the only body authorized to grant use of the seabed - not the Army Corps, which continues to review the Cape Wind proposal.

Reilly further argued that the Army Corps is obligated under federal law to prevent unauthorized private occupation of the public resource.

"Reilly has repeatedly called on the Army Corps and other federal officials to seek legislative authority to establish a comprehensive process for the construction of offshore wind projects," said Sarah Nathan of Reilly's office. "The process would appropriately address planning, competitive public bidding, compensation, and state involvement."

Fortunately, the Commission on Ocean Policy has recommended a new law providing for the comprehensive management of offshore renewable energy development, and the Bush administration should file the legislation.