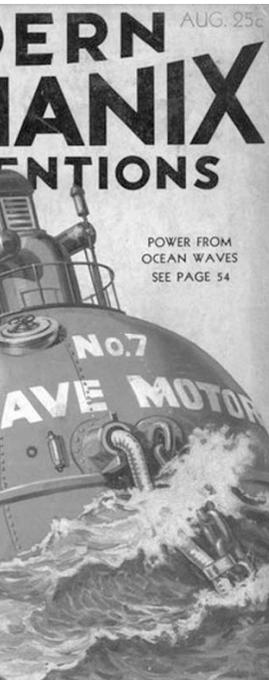


—The Grassroots Fight to Get it Back



cations by local municipalities to have intervener status. Now these communities will not have a legal seat at the table as studies proceed.

FERC's assertion of control over all hydrokinetics applications, is openly contested by the Minerals Management Service and questioned by some state agencies. Filings with FERC by federal, state, local, and stakeholder organizations indicate their belief that FERC is violating basic legal requirements for public process under the Administrative Procedure Act, the National Environmental Policy Act, the Clean Water Act, the Coastal Zone

Management Act, and other laws. In a recent filing, Elizabeth R. Mitchell, a retired NOAA attorney, states that FERC's hydrokinetics program represents "the largest commitment of United States Water resources since FERC first issued original licenses for the big hydropower dams in the 1900s." She calls on FERC to conduct a public notice-and-comment rule-making, and for a Programmatic Environmental Impact Statement. To date, FERC and its corporate clients have consistently rebuffed these challenges.

Meanwhile, anonymous, limited-liability companies are replacing pioneers in a 21st century rush to the Pacific. The Bush Administration hopes corporations can settle and conquer the ocean for fish farms, offshore oil drilling and wave and tidal energy.

"It's as if Manifest Destiny has resumed its western movement," said Richard Charter, co-chair of the Outer Continental Shelf Coalition. "Having gobbled up the entire continent, it has now swept out into the ocean . . . Our country has not enacted zoning and planning protections for the ocean and has in fact done a poor job of conceiving of this issue."

The Department of Interior (DOI) worries that FERC's approach might cause legal tangles that would make application of wave energy slower than using the traditional processes. "We remain concerned that the Commission's recent policies seek to reduce regulatory barriers and streamline the licensing process for hydrokinetic projects without due regard for impacts to natural resources. We believe such action is premature given that little is known about the effects of these projects on the natural and human environment . . . While these projects have significant potential to add to the

nation's energy portfolio, very little is known about their effects on fish and wildlife resources and the natural and human environment," the DOI filing states.

But DOI has also been accused of taking advantage of the lack of intelligible ocean planning to push Bush's pet idea of fish farms. Interior's Minerals Management Service in July proposed regulations that would cover renewable energy and fish farms and could allow oil rig owners to do both. Old oil rigs could be turned into fish farms or wave energy generators and result in millions in savings for oil companies, even though little or no science supports fish farms.

The deregulatory ethos of free trade has created globally what corporations call opportunities for profit in the ocean beyond the scope of any regulation, many being new ideas for reducing carbon. For environmentalists, fishing groups and those concerned about planetary issues, this bit of laissez-faire represents more of a threat than a salvation to the planet,

California's top environmental regulator, Mike Crissman, secretary of the California Resources Agency has asked the federal agencies to go back to the drawing board on wave energy, get more organized, slow down and eliminate conflicts.

Frank Hartzell, former managing editor of the Napa Valley Register, has been a journalist since 1984 and has written for more than 200 publications. Recently, Frank has written about ocean issues in the Christian Science Monitor, E Magazine and RenewablesWorld, an online publication.



Citizens in Fort Bragg, CA protest FERC's Wave Energy corporate giveaway

photo: Frank Hartzell



Florence, Oregon Surfriders confronted wave energy corporations and "stand ready to defend our oceans, waves, and beaches for the use and enjoyment for all people." See statement on wave energy at www.surfrider.org/policy_ocean_alt_energy.asp photo: Stiv J. Wilson