

## View from America - What price green?

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That question was raised for me by news reports recently about a new lawsuit to protect birds, especially endangered fowl, from onshore wind power generation.

The non-profit group American Bird Conservancy filed suit in federal court against the U.S. Department of the Interior over a December 2013 regulation allowing wind energy companies to obtain thirty year permits to kill eagles without federal prosecution. Previously, regulations allowed only a maximum duration of five years for each permit to kill eagles. The 1940 Bald and Golden Eagle Protection Act imposes fines and jail time on people who kill eagles, accidentally or not. The Conservancy's press release acknowledged that "some bird mortality is inevitable" but contends that the federal government did not undertake adequate scientific studies on the potential impact on eagle populations.

The Conservancy's published policy statement highlights both the growing market share for wind power and the potential harm to birds from that expansion, highlighting that by 2030 wind turbines could be killing upwards of one million birds per year. The Conservancy supports "bird smart" mandatory standards for wind power, both onshore and offshore, addressing siting, mitigation, monitoring and compensation issues.

*Does either climate change or profit trump fish, wildlife or their habitats?*

I believe the majority of voters as well as power producers would answer emphatically no, not clean technologies at any cost. But, on the other hand, most understand that there are tradeoffs for all energy sources, sometimes complicated multiple tradeoffs difficult to quantify, explain or negotiate.

*The power of sustainability*

Understanding, accepting and communicating the full spectrum of sustainability for marine renewables will be crucial for the long-term growth of the industry. Marine renewables have to take the necessary extra steps voluntarily to document fully and openly its tradeoffs versus their market competitors. It's worth the time and expense up front to study and publicize all of the relevant sustainability metrics and indicators - environmental, economic and social - like the global biofuels industry is beginning to do. The marine renewables industry needs to acknowledge higher public awareness of both costs and benefits of green energy and use those aspirations to build enduring public backing.

*Government's role really is different over here*

Given that there is really no one source to detail the role of state and federal agencies in the development of green energy in the USA, we will be returning frequently to explain our very different regulatory structure. The general answer is the current regulatory framework derives from a unique combination of American constitutional history, political tug-and-pull, technological breakthroughs, and the gradual evolution of law and markets. For example, electricity production and consumption started in the U.S. when federal powers were very weak and state authority was paramount. A Supreme Court decision changed all that, overlaying federal on top of state rules and leading to the Federal Power Act of 1935.

The structure of the U.S. electricity industry too is thus much more disaggregated than in Europe, with a confusing American jumble of government, non- and for-profit entities. Whereas in Europe there are scores of utilities and concentrated ownership of transmission, in the U.S. there are thousands of federal, state, municipal and for-profit utilities, independent power producers and hundreds of transmission owners. All this multiplies the universe of decision-makers who may well be pulling in many different directions, making it harder for the U.S. to build out the grid or to execute a national energy vision efficiently.

Even more confusing to outsiders, the role of the 50 states varies considerably from one to the next. States and local governments solely approve generation siting on private lands - with the exception of hydropower and nuclear - but their authority is inconsistent. Siting authority for transmission is focused in the states and locales. Through multiple and competing agencies, both federal and state governments have a say in green energy development on publicly-owned lands, which constitute 40% of total lands and are heavily

concentrated west of the Mississippi River. Even different government organizations may authorize marine renewables, specifically under multiple environmental-related laws at different levels. Maybe the surprise is that any green power is developed anywhere on any reasonable schedule! But, marine renewables are indeed building up a head of steam, albeit slowly, as politicians and regulators see the benefits of promoting new sustainable energy sources.

The Federal Energy Regulatory Commission (FERC) under the President George W. Bush Administration started the process of change by revamping its licensing process of marine hydrokinetics to reflect the different reality of this emerging market. FERC began to grant approvals for smaller pilot projects on much shorter time-scales than conventional dams, creatively reinterpreting decades-old legislation. Readers can see the full listing of current marine and hydrokinetic projects on the FERC website: pending and issued preliminary permits; projects in the pre-filing process; and, licenses issued for projects.

*Corporate America partners with non-governmental organizations for more green power*

In early July 12 leading American companies announced their signing of the "Renewable Energy Buyers' Principles", in partnership with the World Wildlife Fund and the World Resources Institute. Bloomberg, Facebook, General Motors, Hewlett-Packard, Intel, Johnson & Johnson, Mars, Novartis, Procter and Gamble, REI, Sprint and Walmart are looking to open up new collaboration with utilities and energy suppliers to boost renewable their energy options.

The principles contain six criteria to meet the companies' combined target of 8.4 million megawatt hours (MWh) of renewable energy per year through 2020 and include:

- Greater choice in procurement options,
- More access to cost-competitive options,
- Longer- and variable-term contracts,
- Access to new projects that reduce emissions beyond business-as-usual,
- Streamlined third-party financing,
- Increased purchasing options with utilities.

The Buyer's Group is an informal consortium of companies wanting to reduce obstacles to buying renewable energy, not a formal power purchase group. Some 60% of the largest U.S. businesses have set public climate and energy goals to increase renewable energy use, but they face a variety of challenges to cost-effective projects. This new proclamation may encourage other businesses to join and help expand and streamline opportunities for buying renewable energy.

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