

OFFSHORE RENEWABLE ENERGY SITING IN GERMANY AND THE UNITED STATES: LEGAL AND POLICY IMPEDIMENTS AND SUPPORTS

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Scientists, governments, and businesses are working on a wide range of efforts designed to increase energy independence and reverse, reduce, and/or mitigate the adverse impacts associated with climate change. In many countries the development of renewable energy, a major component of the solution to these problems, serves as the impetus for the planning and placement of energy production facilities in coastal ocean space. Yet, the speed and manner in which these efforts take shape varies dramatically. The presentation will assess the role of coastal nations' domestic legal and policy frameworks in the siting of offshore renewable energy facilities by focusing on two coastal nations: Germany and the United States. Each has espoused a desire to take advantage of offshore wind energy. Both nations have articulated their interest in renewable offshore energy, but while Germany has approved many wind farm sites at the federal level, recent U.S. proposals have stalled.

Germany is a leader in Europe on shifting from its reliance on conventional energy sources to renewable sources. As its land based sites of wind energy are built to capacity, Germany looks to the sea for further sources of power despite some significant obstacles. In the United States, industry and government have also been looking offshore for opportunities to develop relatively clean and renewable domestic energy production. What can the United States and other nations learn from Germany? Are there political,

economic, and regulatory lessons from the United States that may be valuable for Germany and others?

A systematic analysis of the U.S. and German policies can highlight problems or promise that can be avoided or attained in the future; comparative policy analysis is a well accepted approach for developing and examining alternatives. While there have been articles describing and critiquing U.S. policy on development of offshore renewable energy, there are few attempts to specifically compare different national policies. This is true despite calls to learn from previous, especially European, experience.

This study compares the U.S. and German approaches to offshore renewable energy development by addressing how each country's legal and regulatory principles and institutional mechanisms support or impede the development of offshore renewable energy. As such, it is a comparative assessment of *policies* based on a review of relevant legal and policy documents, laws and regulations, academic literature, and interviews. A description of the German and U.S. national renewable energy context, followed by an outline of the policies of each country that either impede or support the development of offshore wind power generation, will be provided. The policies will be organized and compared by category, including: the public's role in permitting and in environmental impact assessment, direct market mechanisms, traditional regulation (mandates), and indirect mechanisms.

Based on the results of the synthesized analysis, the conclusion will provide observations about the prospects for renewable offshore energy development along with some recommendations where prospects seem impeded.

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