

Re: Ecosystem services report in July issue of OSWA Woodlander

Mike,

Many thanks for the July issue of the OSWA Woodlander and for the report it included on efforts to develop markets for ecosystem services.

FYI, I attended the kick-off conference in Vancouver (WA) for those efforts. As the report indicates, the proposed programs all depend on increasing regulation, to establish mitigation banking.

As I mentioned in comments at the conference, I strongly support carbon mitigation banking or any other type of mitigation banking that helps private landowners conserve or maintain biodiversity, but to avoid inadvertently misrepresenting the implications of mitigation banking for private landowners and the landscape itself, I believe it's critical to distinguish between mitigation banking based on the increasing regulation of species (which inadvertently tends to make good stewardship self-defeating and thereby risks incurring significant biological costs) and mitigation banking based on other types of regulation (which might avoid such regulatory externalities).

Such confusion seems to be widespread. For example, at the conference, in Vancouver, none of the speakers made this distinction, and at the recent Family Forest Symposium, one of the speakers -- likewise omitting this distinction -- told the audience (who were mostly private landowners) that mitigation banking would make conservation profitable for them. This is of course generally not the case with species-based mitigation banking, and I believe it is inadvertently a disservice to private landowners to suggest otherwise. Species-based mitigation banking works by taxing Peter to pay Paul, and landowners have no way to ensure they end up as Paul or at least not as Peter. (Studies report that establishing a conservation bank takes considerable resources, time, risk tolerance, and agency approval, and liability for mitigation fees typically reduces the market value of property even if a landowner never wants to exercise development rights.)

Or for example, at a public meeting last January in Corvallis, regarding efforts to develop a Habitat Conservation Plan for three upland prairie species, a program representative told landowners they might be "lucky" enough to establish a conservation bank, without revealing (and perhaps without fully understanding) that all other landowners would become liable for mitigation fees for having these species. (Meanwhile, agencies and organizations are trying to encourage landowners to save these and other species from succession and invasive exotic species -- highlighting that

landowners can destroy such species passively, simply by letting them succumb to natural forces.)

In part, such confusion seems to arise from confusion as to whether the primary objective is to conserve biodiversity, limit development, or achieve other goals. Without clarifying the primary objective, I fear we risk inadvertently sacrificing species as weapons to fight sprawl or other evils. Indeed, speaking with me privately at the Vancouver conference, one of the speakers suggested that perhaps we SHOULD sacrifice species to fight sprawl. (Aside from any moral considerations, I question whether such use of regulation would be lawful under the Endangered Species Act. I also recognize that some people might not perceive sprawl as harmful.)

I'm grateful that the report in the OSWA Woodlander calls for "well structured" regulation. Again, I applaud such efforts and wish them great and speedy success, but I hope that all such advocacy is careful to distinguish species-based mitigation banking from other types of mitigation banking, to avoid inadvertently misrepresenting the implications of such programs for private landowners and native species.

Many thanks for your consideration.

Best regards,

--Adam

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