

# Designing and Implementing PES

*Jim Salzman*  
*Duke Law School*

*September 21, 2014*  
*Nicholas School of Environment & Earth Sciences*



## *Translocation*

**Pollination**

**Seed dispersal**



## *Stabilizing*

**Pest control**

**Climate regulation**

**Mitigating droughts**

**Flood control**





## *Cycling and Filtration*

**Water purification**

**Waste degradation**

**Soil fertility**

# ECOSYSTEM SERVICES

## Supporting

- NUTRIENT CYCLING
- SOIL FORMATION
- PRIMARY PRODUCTION
- ...

## Provisioning

- FOOD
- FRESHWATER
- WOOD AND FIBER
- FUEL
- ...

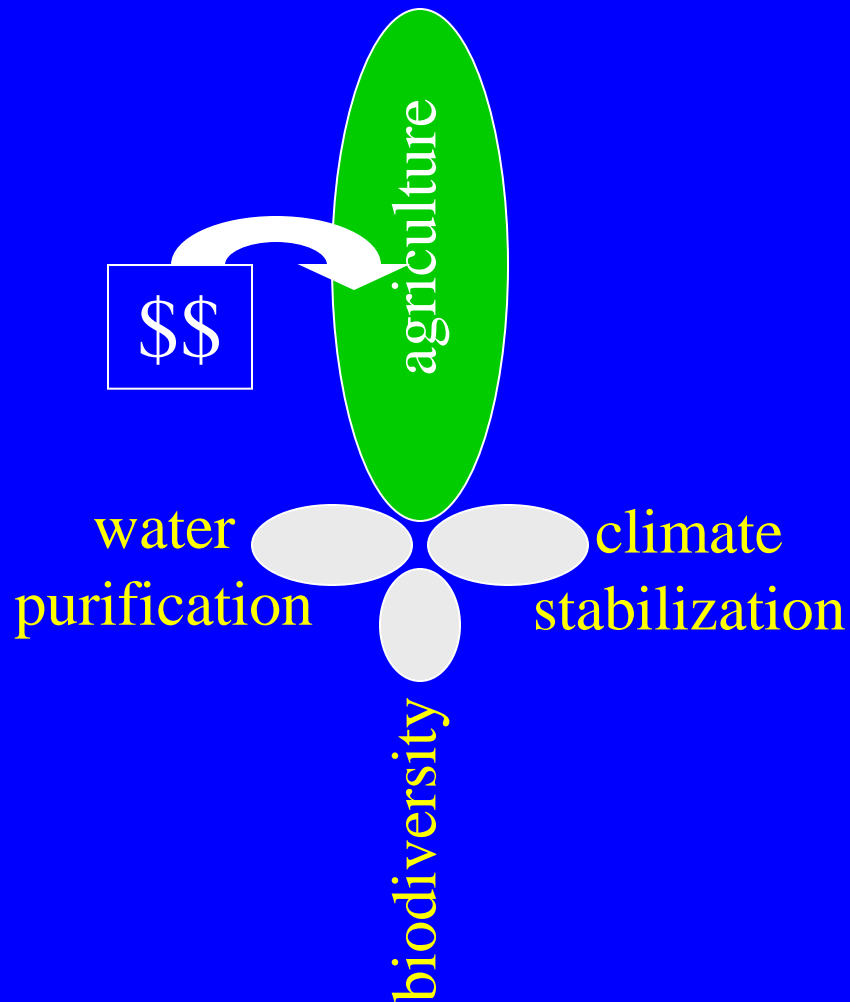
## Regulating

- CLIMATE REGULATION
- FLOOD REGULATION
- DISEASE REGULATION
- WATER PURIFICATION
- ...

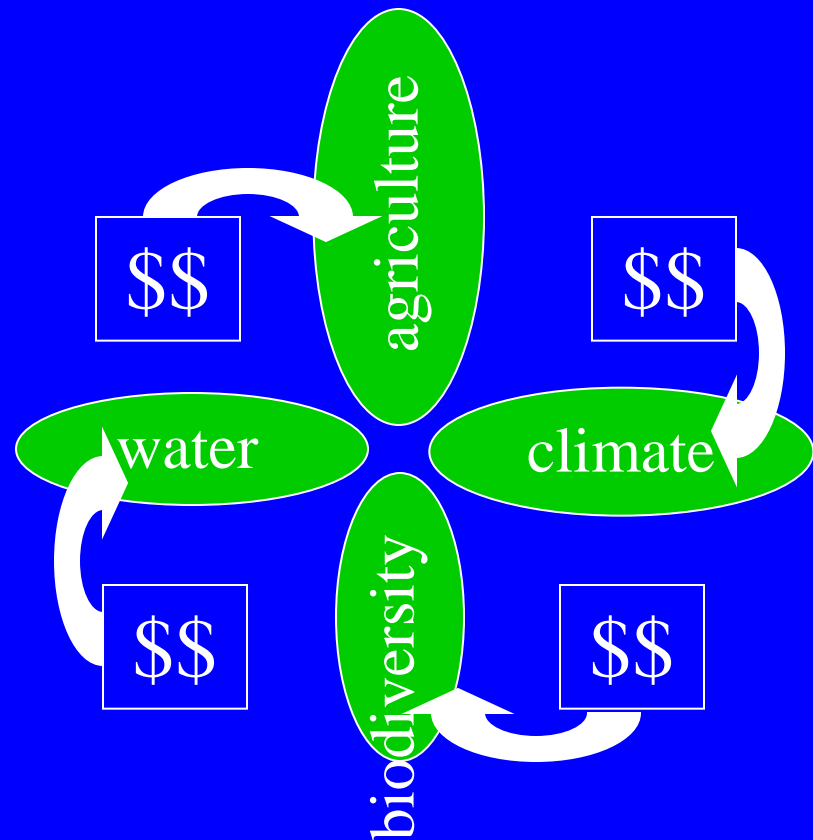
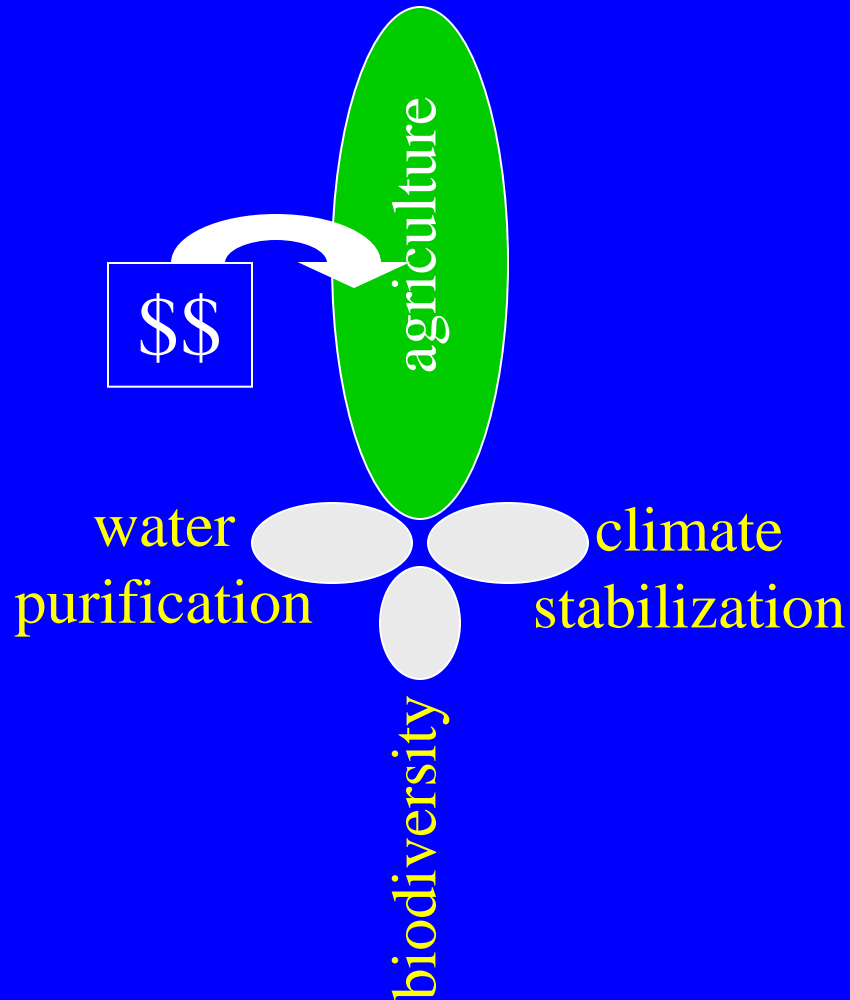
## Cultural

- AESTHETIC
- SPIRITUAL
- EDUCATIONAL
- RECREATIONAL
- ...

# Joint Products of Ecosystems



# Joint Products of Ecosystems



# Why Such Poor Protection of Services?

- **Ignorance**

- Services taken for granted
- Biophysical provision poorly understood



# Production of Goods

- Food
- Pharmaceuticals
- Energy
  - e.g., biomass
- Industrial products
  - waxes, oils, fragrances, dyes, latex, rubber, etc.
- Durable materials
  - precursors to many synthetic products
- Genetic resources



# Why Such Poor Protection of Services?

- **Market Failure**

- Few markets for public goods and services
- Current price signals don't indicate sufficient value to encourage protection and provision of services
- Value is landscape-specific
- Scarcity triggers action too late

# Why Such Poor Protection of Services?

- **Institutional Failure**

- Policies and institutions do not encourage or value management of ecosystems for service provision
- Ecological and political boundaries rarely overlap
- Challenge of extending authority beyond traditional institutional boundaries



# The Catskills Watershed Case Study



# The Filtration Option

- **NYC Estimates**
  - \$6 billion capital costs
  - \$300 million operating costs
- **EPA Expert Panel**
  - \$3 billion
- **Expensive**





# SDWA Waiver



# **1997 Memorandum of Agreement**

- **Strengthened Watershed Rules & Regulations**
- **Watershed Protection & Partnership Program**
  - \$400 million
  - Catskill Watershed Corporation
- **Land Acquisition Program**
  - \$250 million for Catskill/Delaware
    - Must solicit participation of 350,000 owners
  - \$17.5 million for Croton
    - \$10 million NYC, \$7.5 NY State
- **EPA waives filtration requirement until 2002**

# Perrier Vittel

- **Payments to local land owners to keep springs unpolluted**
  - Land purchase and rental back to former owners
  - Long term management contracts

# Costa Rica

- **Payments to landowners for services (PSA)**
  - Government acts as broker
  - Most contracts for biodiversity (thanks to GEF)
  - Water quality contracts only with hydropower

# Brazil

- Extrema, in Minas Gerais, paying R\$148/hectare to farmers for soil conservation, 20% intact forest cover
- Joinville, in Santa Catarina, payments of R\$175-\$550 to farmers for riparian vegetation

# China: Grain To Green Program

- **Payments to farmers for planting trees on erosion-prone slopes**
  - Nationwide cropland set-aside program
  - Payment in cash and grain subsidies
  - Largest PES program in developing world (\$43 billion for 2000-2010)



# China: Natural Forest Conservation Program

- **Reduce timber harvesting from natural forests**
  - Restore natural forests
  - Meet domestic timber supply with plantations
  - Reduce loss of soil, improve water retention, reduce desertification, flood control, etc.

# Largest PES programs in developing world ~\$100 billion for 2000-2010

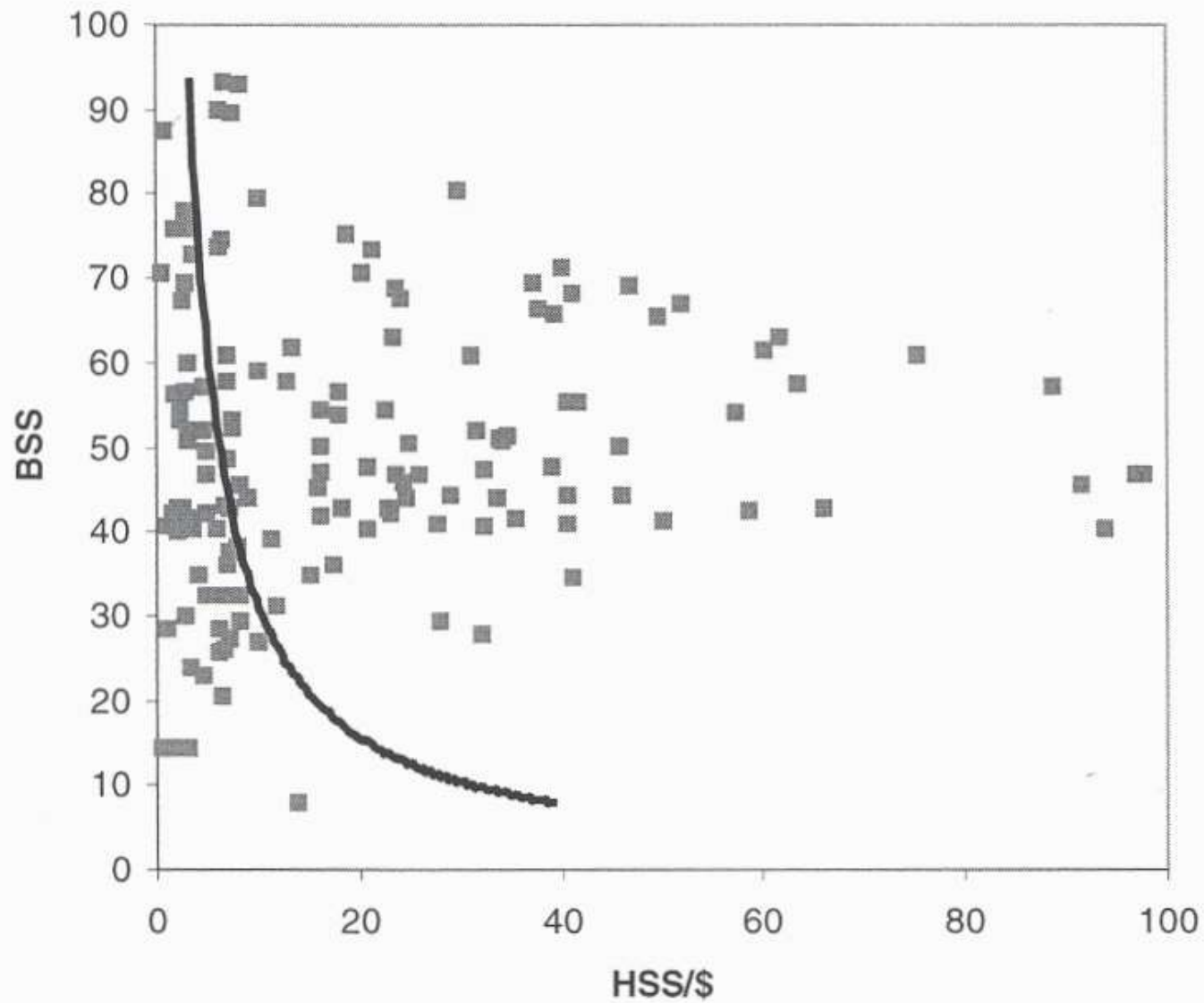


# BushTender

- **Reverse auctions for biodiversity conservation**
  - Calculation of Biodiversity and Habitat Significance Scores
  - Combined with bid price and graphed

Figure 3

*Threshold-BBI and Bid Data*



# Ecosystem Service Payments

- **B2B**
  - Perrier Vittel, MRFF
- **Mitigation Markets**
  - Wetlands Mitigation Banking
- **Subsidy (government or NGO)**
- **Government Competitive Payments**
  - CRP, Bushtender
- **Hybrids**
  - Catskills, PSA

# Why the Growing Interest?

- Placing land management in new terms, but familiar terms
  - Financial capital → Natural capital
  - Managing for multiple services
- Public appreciation of services' value
- New sources of revenue
- Market mechanisms in working landscapes

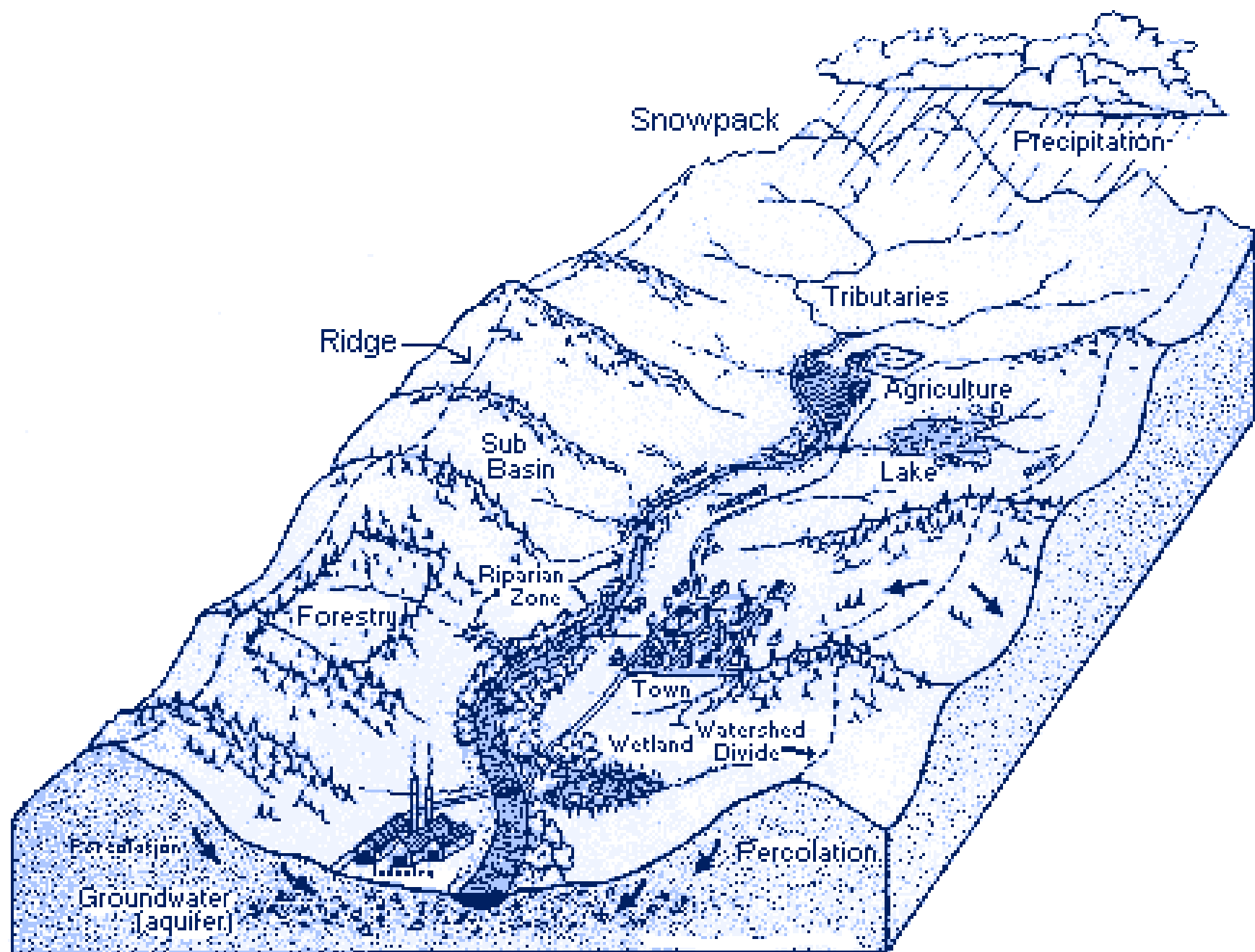


# Designing PES

*How do we make forests worth more standing than cut down?*

Michael Jenkins





# The Policy Toolkit – The 5 P's

## *Water Quality from Farm*

- **Prescription**
  - regulations requiring riparian fencing
- **Penalties**
  - fines per metre of unfenced streambank
- **Property**
  - tradable right to have % unfenced streambank
- **Persuasion**
  - pilot projects with fenced streambanks

# The Policy Toolkit – The 5 P's

## *Water Quality from Farm*

- **Payment for services rendered**
  - treat farmers' provision of ecosystem services as no different than their provision of other marketable goods



**Farmer A**



**Farmer B**

*Should we regulate  
or pay Farmer B?*

# When should we choose payment?

- De jure/De facto
- Discrete providers
- Discrete beneficiaries
- Perceived scarcity and value of the service
- Mechanism for providers and sellers to agree on price
- Procedures for monitoring and dispute resolution

# Violation of the Polluter Pays Principle?

- **Are farmers polluters or valuable providers of services?**
- **Should we be paying or regulating them?**
  - Should I be paid to stop mugging people?
  - De Jure/De Facto property rights
    - Loud music at night

# Discrete Providers

- Private land owners
- Communal land owners or communities
- Public land owners
  - Should they be paid by beneficiaries

*Can't pay everyone!*



# Discrete Beneficiaries

- individuals
- communities
- government representation of these interests  
*if diffuse*
  - purchase of a public good on behalf of citizens

***Can't charge everyone!***

# Perceived Scarcity and Value of the Service

- Communication/Education
  - Ecosystemmarketplace.com
  - Katoomba Group, Forest Trends
- EPA's Science Advisory Board Committee
  - Valuing the Protection of ES
- US Forest Service Initiative
  - Accounting for Ecosystem Services

*Why pay for what has always been free?*

**Should we pay  
more to Farmer A?**



**or to Farmer B?**

# Creation of a Moral Hazard?

- **Even if we pay for marginal improvements in service provision, what message does it send?**
  - Likelihood of detrimental land use change
  - Likelihood of delay in improving land use

# **Mechanism for providers and sellers to agree on price**

- **B2B**
  - MRFF, PSA
- **Mitigation Markets/Offsets**
  - CDM, Wetlands Mitigation Banking
- **Subsidy (government or NGO)**
  - Riparian Buffers
- **Government Competitive Payments**
  - CRP, Bushtender
- **Hybrids**
  - Catskills

# Mechanism for providers and sellers to agree on price

- Institutional actors to overcome collective action
  - Monopsony

# Procedures for implementation, oversight and dispute resolution

- What are we paying for?
- How do you know you're getting value for money?
  - Macquarie River Fruit and Fibre
  - Payment for inputs or outputs?

**Future's so bright  
I gotta wear shades!**





Where are the markets?



PAYMENTS FOR ECOSYSTEMSERVICES (PES) MARKETS						
CLASSIFICATION			MARKET SIZE			
PES MARKET	SUB-MARKETS	MARKET DRIVER	CURRENT SIZE OF MARKET 2006	CURRENT SIZE OF MARKET 2012	PROJECTED SIZE BY 2006 for 2020	PROJECTED SIZE BY 2012 for 2020
Compliant Carbon Forestry	Kyoto: CDM, JI, NSW, RGGI, CCAR (coming soon at regulatory level)	Cap and Trade/Compliance-Driven Markets	New South Wales GHG Abatement Scheme: \$558,558; CDM & JI (2006): \$0; CCX ~ 359,000	\$26 million	\$5 million - \$5 billion	\$470 million
Voluntary Carbon Forestry	Chicago Climate Exchange; Retailers; NGO  Initiatives (ex. TNC in Bolivia; Carbon Pool, CI, etc.); VERs from pre- CDM projects	Voluntary; Public relations; Preparing for regulation; Corporate responsibility; individuals taking responsibility	At least \$21 Million in 2006 (LULUCF/ REDD Market)	\$156 million	\$10 million - \$5 billion	\$10 million - \$5 billion
Compliant Water Quality Trading	Nutrient/Salinity/Temperature trading: Canada, Colorado, Connecticut, Pennsylvania, Minnesota , Ohio, Oregon, Virginia, Australia has numerous programs in development.	Cap and Trade/ Compliance-Driven	\$15 million	\$20 million	\$1,000 million	\$43 million
Voluntary Watershed Management Payments	Beverage Companies (Vittel, Coca-Cola, Beer companies), Public or Semi-Public Utilities in Costa Rica and Ecuador	Voluntary Private PES	\$5 million (many public PES are partially private - like Costa Rica ~30% private funds by electric, also Ecuador, public utility revenues)	\$5 million	\$2,000 million	\$50 million

# Small Beer

- There aren't really all that many examples of PES outside of government pilots
- If such a great idea, why is PES not more dominant in the market?

# Inadequate Demand

- Ignorance
- Public goods
  - Why pay for what you always got for free?
- Collective action
  - Importance of institutional actors
    - Watershed PES versus biodiversity

# Inadequate Supply

- Who owns positive externalities?
- Are the property rights secure enough to create payment obligations?
- To what extent can/should government commodify services?
  - Create rights (carbon credits) Who owns positive externalities
- Secure land title?
  - *De facto* vs. *de jure* tenure

# Transaction costs

- Contracting fees
  - Higher transaction costs → fewer transactions

# Design Flaws

- CDM
  - Global Warming Potential
    - $\text{CO}_2 = 1$ ;  $\text{CH}_4 = 72$ , HFC-23 = 11,700
  - China ramps up HCFC-22 production
    - Billions of CERs sold
  - PES for carbon sequestration can't compete



# Design Flaws

- Additionality
  - Are payments changing behavior?
- Pagos por Servicios Ambientales
  - Over 700,000 ha, \$150 million
    - Pfaff et al.
      - Deforestation prevented on 0.25% of lands
    - Sanchez Azofeifa et al.
      - 7.7% of payments to areas threatened by deforestation

# Design Flaws

- What are public funds paying for?
  - Service provision *and* local development *and* poverty alleviation

# Social Justice

- When property rights create fences
- Concern for native and indigenous groups
- Debates over REDD
  - What happens to local communities when national commitment to reverse deforestation conflicts with local use rights?

# How big can PES grow?



# How Does Wall Street Make Money?

	Low Transaction Costs	High Transaction Costs
Low Volume		
High Volume		

	Low Transaction Costs	High Transaction Costs
Low Volume		
High Volume	X	



## Stock Market

Low transaction costs  
High Volume  
Low Margins

	Low Transaction Costs	High Transaction Costs
Low Volume		<b>X</b>
High Volume		

**Goldman  
Sachs**

## Investment Banking

**High transaction costs**  
**Low Volume**  
**Low Margins**



# Where does PES fit?

	Low Transaction Costs	High Transaction Costs
Low Volume		Watershed payments
High Volume	carbon credits	Wetlands mitigation banking

**(1) High Volume / Low Margins**  
carbon credits

**(2) Low Volume / High Margins**  
Wetlands mitigation banking

*Operating on the margins –  
Works best where land values are low so that  
margin is relatively significant.*

# A Typical Farm in 20 Years?

<b>Commodity</b>	<b>Share of farm business</b>	<b>Client</b>
<b>Cereals</b>	<b>40%</b>	<b>World Market</b>
<b>Wool</b>	<b>15%</b>	<b>World Market</b>
<b>Timber</b>	<b>10%</b>	<b>Pulp Wood Specialty Timber</b>
<b>Carbon Credits</b>	<b>7.5%</b>	<b>Steel Company</b>
<b>Salinity Credit</b>	<b>7.5%</b>	<b>Catchment Authority</b>
<b>Water Filtration Credit</b>	<b>15%</b>	<b>Water Board</b>
<b>Biodiversity Credit</b>	<b>5%</b>	<b>Philanthropic Trust</b>



# Bush Administration Policy

*Today, I am announcing that USDA will seek to broaden the use of markets for ecosystem services through voluntary market mechanisms. I see a future where credits for clean water, greenhouse gases, or wetlands can be traded as easily as corn or soybeans.*

Mike Johanns  
U.S. Secretary of Agriculture  
8/30/05