

Ecosystem Services Markets: Legal Context

Richard M. Glick

Davis Wright Tremaine LLP

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Introduction

- Trend toward outcome-based, watershed scale approaches to mitigation
 - Recognition that onsite mitigation often doesn't yield best ecological result
 - Markets emerging that benefit regulated entity and landowner, while achieving regulatory objectives

Introduction

- Oregon examples
 - Clean Water Services—implementation ongoing
 - City of Medford—approved
 - Idaho Power Hells Canyon Complex—proposal in progress

Regulatory Drivers

- Clean Water Act
 - Section 402 NPDES Permits
 - Section 404 Wetlands/Waters of the U. S. Fill Permits
 - Section 401 Water Quality Certifications
- Endangered Species Act
 - Section 7 Consultations
 - Habitat Conservation Plans