

CHAPTER 8

CO-MANAGEMENT AT THE ELEVENTH HOUR? PARTICIPATION IN THE GOVERNANCE OF THE NEW ENGLAND GROUNDFISH FISHERY

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Abstract

The process that led to the adoption of the latest amendment to the New England Fishery Management Council's (NEFMC) Multispecies (groundfish) Fishery Management Plan (FMP) provides an excellent case study of the movement from primarily top-down management to a variation on adaptive co-management. The contributions of a policy entrepreneur and institutional leader to this process are noted as critical. Factors constraining the participation of fishing industry members in the development of groundfish regulations, a brief history of groundfish regulations, and the various combinations of rules offered as options by the Council are reviewed. In response to the harsh criticism and controversy over the degree to which those options would restrict fishing and be likely to devastate communities, the Council offered fishing industry members a last chance to recommend a different combination of management tools – as long as they adhered to the tools that had been discussed at public hearings. Three fishing organisations offered plans that were considered. The Council ultimately selected a plan from the Northeast Seafood Coalition, a broad-based industry group, which emphasises flexible or adaptive mechanisms and optimism for the future. This case suggests that the negotiation of power and authority is important in the context of management in a complex setting with a diverse constituency, and, equally important, communication and outreach are essential elements for change.

8.1 Introduction

A look at the development of New England Fishery Management Council's Amendment 13 to the Multispecies (groundfish) Fishery Management Plan (FMP) reveals an intriguing interplay between the hierarchical and participatory forms of fisheries governance, shaped in part by a consideration of economics. While the largely top-down management process dictated the range of management tools that could be selected, ultimately, a participatory process developed that allowed an innovative approach to the selection or combination of tools that were agreed upon. The choice made may be considered a form of adaptive co-management (Olsson *et al* 2004).

A number of factors contributed to the movement towards the more inclusive form of management. As Olsson *et al* (2004) described in the case of a change to adaptive co-management of wetlands in southern Sweden, the change in New England was triggered by perceived crisis. The fishing industry, writ large, realised that proposed management

changes were likely to financially ruin a large percentage of the existing harvesting and processing sectors and could decimate the infrastructure so that any effort to rebuild the industry in the future would be compromised.

This chapter will discuss the role of a key individual, a **policy entrepreneur**, who led the industry effort to redesign the management package with the cooperation of an **institutional leader** who was willing to foster change.¹ Neither individual would have been able to achieve what they did without the sense of crisis permeating the whole industry. Pinkerton (1989:4) observed similar reactions: “Co-management agreements between government and fishing interests have arisen out of crises caused by rumoured or real stocks depletion or from political pressure resulting from claims that the government’s ability to manage is insufficient to handle specific problems”. Jentoft and McCay (1995) cite a number of cases in which co-management is adopted in response to crises. Furthermore, as Berkes *et al* (2003:19) point out, crises have a constructive role in resource management, in that they can lead to renewal. This is an example of the broader claim that the social, political and economic context in which fisheries operated has a significant bearing on the form that co-management arrangements may take (ENRC 2001:21).

The significance of successfully developing adaptive co-management in a crisis situation should not be underestimated. Sustainability requires adaptive capacity, or resilience, for societies to deal with change (Holling & Meffe 1996). A primary goal of the industry groups who contributed proposals for Amendment 13 was to assure the sustainability of the industry and communities that are supported by groundfish and the associated ecological system. Whether or not the groundfish fishery and the communities will be sufficiently resilient to survive remains a serious question. What is explored here is the attempt to design a system with the flexibility to respond to changing ecological conditions.

8.2 The origin of the New England Council

The Magnuson Fishery Conservation and Management Act of 1976 established eight regional Fishery Management Councils in the United States.² Some portion of each Council consists of obligatory members (such as state marine resources department heads and the National Marine Fisheries Service (NMFS) regional director), and another portion is appointed by the Secretary of Commerce from nominees provided by the governors of each of the states in the region. The Act requires that the nominees be knowledgeable about conservation and management or the harvest of fisheries resources in the region. Furthermore, the secretary must “To the extent practicable, ensure a fair and balanced apportionment, on a rotating or other basis, of the active participants (or their representatives) in the commercial and recreational fisheries under the jurisdiction of the Council” (USC 1996:Sec. 302 (b)(2)(B)).

¹ The concept of the *policy entrepreneur* is discussed in Olsson *et al* (2004). The concept of the *institutional leader* was characterised by Stein (1997).

² This Act later became known as the Magnuson-Stevens Fishery Conservation and Management Act or just the Magnuson-Stevens Act, which was amended in 1996 by the Sustainable Fisheries Act.