

The “Rube Goldberg Machine”  
of U.S. Atlantic Marine Fisheries  
Governance?

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# Governance Structure and Principles as Opposed to Management Decisions

## *Governance Structure and Principles*

constitute the framework within which overall policies are set, and within which individual management decisions are made

## Example: Regional Fishery Management

Councils under the M-SFCMA as opposed to a coast-wide body such as the ASMFC, or the authority to create limited access systems under the M-SFCMA

# Governance Structure and Principles as Opposed to Management Decisions

Management is the process of decision-making on specific issues, problems and challenges as they arise, most often involving tradeoffs

Example: Setting specific quotas, size limits or seasons, or setting up a specific limited access system

## An Automatic Back Scratcher

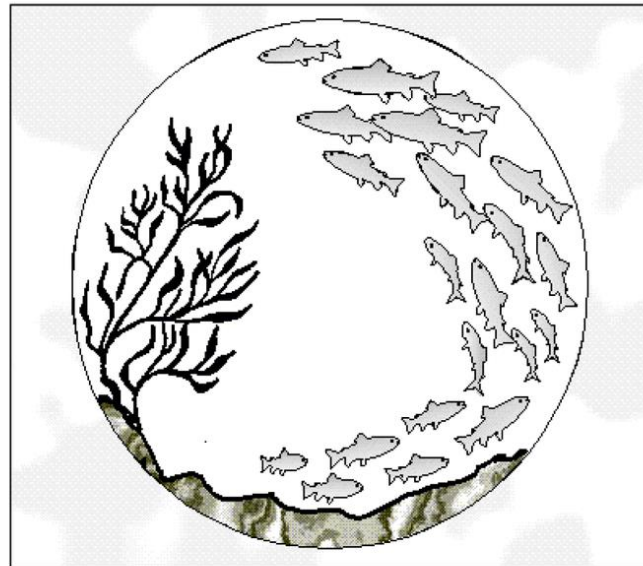


The U.S. Federal Marine Fishery  
Governance System  
(Atlantic Coast)



# Magnuson-Stevens Fishery Conservation and Management Act

As Amended Through January 12, 2007



U.S. Department of Commerce  
Carlos M. Gutiérrez, Secretary

National Oceanic and Atmospheric Administration  
Vice Admiral Conrad C. Lautenbacher, Jr., USN (Ret.)  
Under Secretary for Oceans and Atmosphere

National Marine Fisheries Service  
William T. Hogarth, Assistant Administrator for Fisheries

# U.S. Federal Marine Fisheries Governance

- The M-SFCMA
  - Marine fish as a public trust resource
  - 10 National Standards
  - Final authority and implementation responsibility reside with Commerce/NOAA/NMFS
  - Responsibility for producing fishery management plans resides with Regional Councils
  - Federal jurisdiction 3-200 NM
  - Optimum Yield central management principle
  - Preemption authority, but system normally dependent on compatible state action
  - Intended as cooperative state-federal system (majority of voting Council members recommended by states)

# The Interstate Fishery Governance System



# The Interstate Marine Fisheries Commissions

- Atlantic States Marine Fisheries Commission
  - Maine to east coast of Florida
- Gulf States Marine Fisheries Commission
  - West coast of Florida to Texas
- Pacific States Marine Fisheries Commission
  - California to Alaska and Pacific
- Note: In general, the Interstate Marine Fisheries Commissions have had no authority, only responsibility for interstate coordination



# U.S. Atlantic Interstate Marine Fisheries Governance

- Atlantic Coast Fisheries Cooperative Management Act
- Atlantic States Marine Fisheries Commission
  - Interstate Compact, headquarters in Arlington, VA
  - Member States Maine-Florida (15)
  - Jurisdiction over inter-jurisdictional fisheries, primarily in state waters, but:
    - Jurisdiction Headwaters to 200 NM
  - Policy implementation by NMFS and the states
  - Exception for FMPs under the M-SFCMA
  - “Authority” to request a state fishery moratorium in state waters in cases of individual state non-compliance with approved ASMFC plans

# State Marine Fishery Governance



# North Carolina State Fishery Governance Structure

- North Carolina General Assembly sets overall policy (1997 Fisheries Reform Act (FRA))
- Governor-appointed Marine Fisheries Commission as policy-making body
- Division of Marine Fisheries in Department of Environment and Natural Resources as staff and implementation body
- Fishery Management Plans required by FRA
- Legislative Review
- State Membership on Mid-Atlantic and South Atlantic Fishery Management Councils and ASMFC

U.S. State-Federal Marine Fishery Governance  
Structure  
(Atlantic Coast)

U.S. Department of Commerce

NOAA

NMFS

Regional Councils  
(M-SFCMA)

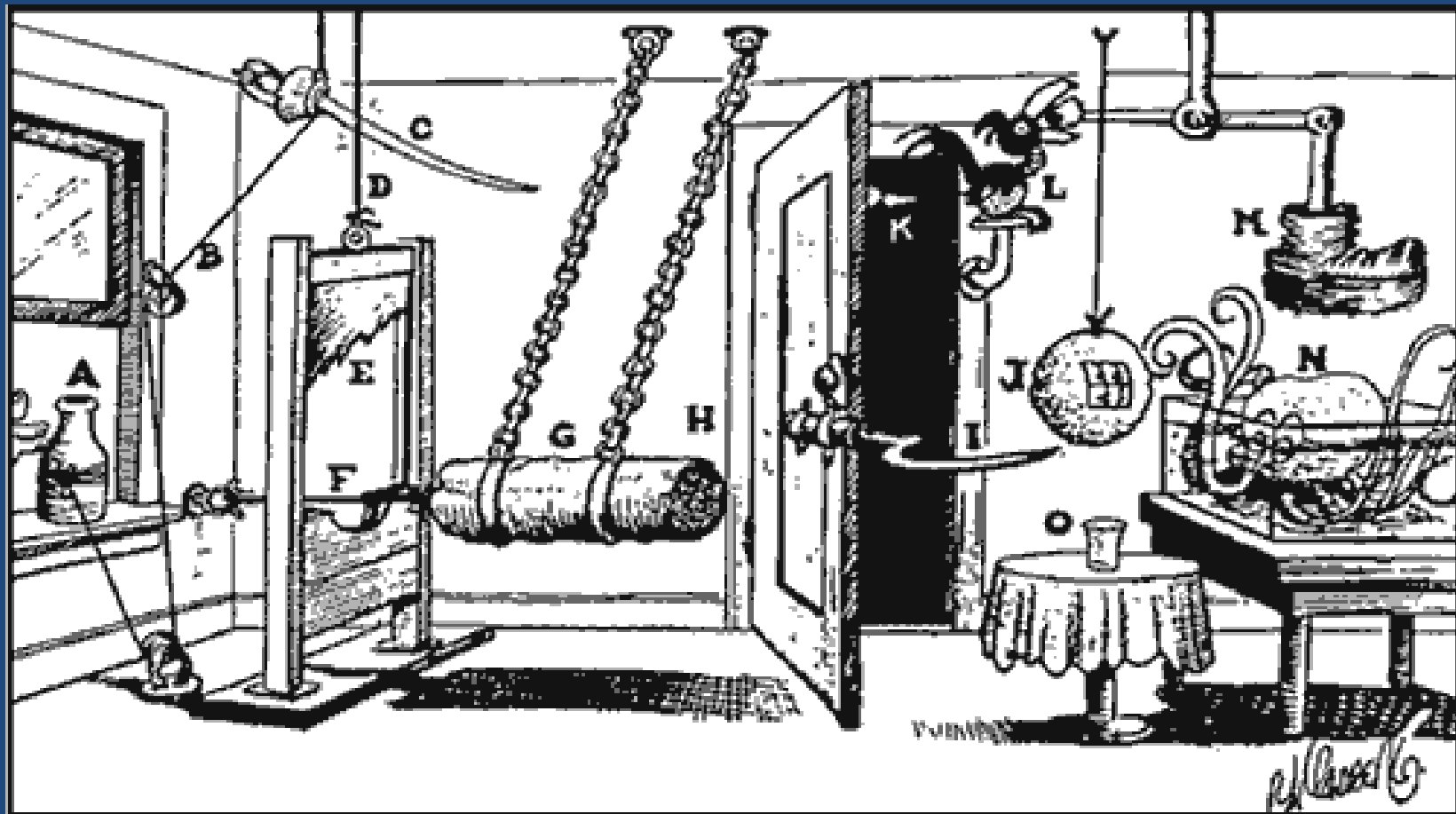
ASMFC  
(ACFCMA)

Individual States

# The International Context

- EEZ versus High Seas (the “Area Beyond National Jurisdiction” (ABNJ)) Fishing
- Regional Fishery Management Organizations (RFMOs)
- Dependent on individual member country compliance with and enforcement of treaty obligations





# A Rube Goldberg Machine.....?

- Multiple, overlapping jurisdictions
- Common participation in different levels of management in the U.S. (state, interstate, regional, national)
- Lack of adequate scientific, managerial, monitoring, compliance and enforcement resources
- Lack of coordination among state and federal legislatures

# But for our purposes here.....

- 1) Are we structured for effective governance given the likely changes in marine fisheries due to climate change, such as changing species distribution?
- 2) What are the aspects of our current governance system that will be most challenged by climate change?
- 3) What are the management – as opposed to governance – challenges in marine fisheries that will result from climate change?

# And remember.....

Changes in both Atlantic marine fisheries governance and management have happened with relative frequency:

## Governance:

M-SFMCA amendments

ACFCMA passage

Management: Changes in regulations in states; by the ASFMC; and in the M-SFCMA Council/NMFS system

