

Mixing Oil and Water, Part II: The Offshore Oil & Gas Industry And MPA Planning

Drilling for oil and natural gas from the seabed is significantly more costly than drilling on land, due to engineering and transportation challenges in the marine environment. But as terrestrial petroleum supplies in many nations near or exceed their peak production, the hunt for oil and natural gas is increasingly taking place on the continental shelf, and even in the deep sea. With this expansion in offshore exploration and development, the opportunities for conflict with other resource users increase, as do environmental concerns related to potential oil spills and other pollution. It is up to resource managers to try to balance these conflicting uses with conservation priorities, including in planning marine protected areas in some cases.

This month, in the second part of a two-part series on offshore petroleum and MPAs, *MPA News* examines how some resource managers are working to involve the offshore oil and gas industry in MPA planning.

Atlantic Canada: Proactive planning by government

The continental shelf of eastern Canada is a hotbed of exploration for offshore oil and gas. Three commercial discoveries are already in production — the Sable natural gas project and the Hibernia and Terra Nova oil projects — while extensive areas of the Grand Banks (off the province of Newfoundland and Labrador) and the Scotian Shelf and Slope (off Nova Scotia) have been licensed to a wide array of companies. Although the region has experienced sporadic exploration for petroleum since the 1960s, there has been a significant surge in seismic surveying and exploratory drilling in the past half-decade.

In 1998, as that surge was beginning, Canada's ocean management agency took the first step toward protect-

ing a special area on the edge of the Scotian Shelf — "The Gully", a large underwater canyon that is home to a diversity of deep-sea corals, whales, and other species. In designating the Gully as an Area of Interest under Canada's *Oceans Act*, the Department of Fisheries and Oceans (DFO) indicated its intent to study whether the site should be protected permanently as a marine protected area. (This research, which involved the use of multibeam

sonar, was described in *MPA News* 4:2.) On 14 May 2004, following years of study and consultation among DFO, industry groups, and other stakeholders, the Gully Marine Protected Area was formally designated.

Achieving that designation required the balancing of ecological and economic factors. Not only was the offshore oil industry interested in gas reserves on Gully slopes, but fishermen also plied the Gully's waters for halibut, tuna, and swordfish. To account for these interests, DFO created a zoning system for the 2364-km² MPA. The deep-water core of the canyon ecosystem (Zone 1) is off-limits to all extractive activity, whereas two outer zones (Zones 2 and 3) allow continued commercial fishing by hook and line for the abovementioned species. Other activities, which could include petroleum drilling, may be approved on the shallow, sandy banks of Zone 3, which are already subject to natural disturbance. But such activities will require a rigorous environmental assessment and approval by the Minister of Fisheries and Oceans. As part of the application process, the proponent must demonstrate that effects from the activity will be within natural variation and will not affect other zones.

Derek Fenton of the DFO Maritimes Region says the regulations are fair to all resource users. "The regula-
continued on next page

The Gully MPA

In May, the Gully Marine Protected Area — a diverse system of marine habitats and species, including deep-sea corals and the endangered northern bottlenose whale — became the second MPA designated under Canada's *Oceans Act*, and the first such designation in the nation's Atlantic region. (The first MPA under the *Oceans Act* was Endeavour Hydrothermal Vents, designated in 2003 in Canada's Pacific region [*MPA News* 4:9].)

For more information on the Gully, including regulations, background information, and a gallery of photos and videos, visit http://www.dfo-mpo.gc.ca/canwaters-eauxcan/oceans/mpa-zpm/dmpa_e.asp. You may also visit the Department of Fisheries and Oceans regional site on the Gully at <http://www.mar.dfo-mpo.gc.ca/oceans/e/essim/essim-gully-e.html>.

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tions are designed to protect all aspects of the ecosystem and apply to all activities," he says. "They only allow activities that can be undertaken in a manner consistent with the ecosystem protection objectives and measures for the MPA. This approach is based on potential ecosystem impacts rather than targeting specific industries and activities." DFO is now crafting a full management plan for the MPA, aided by a multi-stakeholder committee, including oil and gas interests.

Notably, the regulations prohibit activities even adjacent to the Gully MPA when such activities may disturb or damage marine organisms and their habitats inside the protected area. DFO is now working with the Canada-Nova Scotia Offshore Petroleum Board (CNSOPB), a federal/provincial regulatory agency, to develop a protocol for exploratory activities adjacent to the Gully. "The protocol will recognize and build upon codes of conduct and best operating practices that have already been adopted by industry," says Fenton. There are several codes of conduct and effects-monitoring programs for the Gully area to which oil and gas companies have independently committed, essentially avoiding the area and studying their impact while conducting activities on the Scotian Shelf.

Even before DFO named the Gully as an Area of Interest six years ago, the federal and provincial governments had been interested in its conservation: the CNSOPB, for example, has not allowed petroleum activities in the Gully since 1997. Nonetheless, there is a license held in principal by petroleum company Shell Canada that confers development rights in part of what is now Zone 3 of the MPA. Although the natural variation requirements of Zone 3 do not eliminate the possibility of petroleum activity, Shell Canada has pointed out that it may be difficult to access the site due to strict environmental controls and anticipated public opposition to development in the area. The company has indicated its interest in working with the CNSOPB to redress the situation, including the potential for a land swap or a buy-out of the license.

Several hundred kilometers to the east, on Canada's Grand Banks, DFO currently has no Areas of Interest or MPAs designated under the *Oceans Act*. However, amid the region's burgeoning oil and gas activity, the department is taking proactive steps toward developing a systematic planning approach to ocean conservation. Namely, DFO is mapping overlaps between petroleum license areas on the Grand Banks and various ecological factors, such as demersal fish populations. A report on the latter study is available online in PDF format at <http://www.dfo-mpo.gc.ca/Library/273513.pdf>.

Jason Simms of the DFO Newfoundland and Labrador Region, who co-authored the demersal species report, says such analyses are a sensible step toward integrated ocean management planning. "The results, combined with information on oceanography, habitat, and areas

of high biodiversity would contribute to assessing what, if any, appropriate protection is required, like MPAs," says Simms. "Socio-economic factors would also be considered, such as commercial fishing, oil and gas activities, and shipping lanes." DFO has also mapped spawning times and locations for commercially important fish species on the Grand Banks, and has encouraged the petroleum industry to avoid the areas of highest intensity spawning when conducting its seismic exploration activities.

Southeast Australia: Conflicting user groups help plan MPAs

The Australian government is building a national representative system of marine protected areas, a major goal of the nation's *Oceans Policy*. Since the late 1990s, Australia has declared six MPAs totaling nearly 250,000 km² throughout Commonwealth waters. Now the government is taking a systematic approach to filling in the gaps in its coverage: it has combined the building of its representative MPA system with a process to plan Australia's entire ocean territory, one region at a time. This approach, say officials, will result in the most comprehensive national system of MPAs in the world.

It also poses a significant challenge to planners, who face a nation of stakeholders with varied interests and concerns, including with regard to the issue of MPAs. Although the marine plan for southeast Australia — the first region to undergo planning (*MPA News* 5:3) — was released in its final version last month, the process to propose candidate MPAs in its waters is ongoing. Key nongovernmental stakeholders in the process include the offshore oil and gas industry, the commercial fishing industry, and conservation groups, as well as shipping, recreational fishing, and indigenous interests.

When Australian government officials asked leaders of these sectors to design a candidate MPA site within each of two broad geographic areas of interest, the result was multiple suggestions that aimed to minimize impacts on

Marine plan for southeast Australia released

The final version of Australia's *South-east Regional Marine Plan* was released in May. Establishing broad direction and management arrangements for the region, the plan proposes two candidate MPAs to be advanced as proposals for formal designation. The region covered by the plan includes waters off Victoria, Tasmania, eastern South Australia, and southern New South Wales, as well as the sub-Antarctic Macquarie Island. The plan is available online in PDF format at http://www.oceans.gov.au/se_implementation_plan.jsp.

each sector's own interests, while also meeting biodiversity objectives. (The biodiversity objectives involve a set of 10 specifications concerning representativeness and special and unique features.)

The sectors' suggested options for candidate MPAs, despite their variety, provided a starting point, says Leanne Wilks, assistant director of the Marine Protected Areas Taskforce for the Australian Department of the Environment and Heritage (DEH). "Using these options as a basis for further consultation, the Australian government, led by the DEH, worked alongside key stakeholder groups to produce two candidate MPAs to be advanced as proposals for declaration," she says. The two candidates represent a degree of compromise for each sector, she notes. Regulations have yet to be worked out, which may pose another challenge for planners looking to balance interests. "These candidate sites require further consultation between government and the sector groups as well as socioeconomic impact assessment and risk assessment to settle on boundaries, management, and zoning arrangements," says Wilks.

There also remain nine more broad areas of interest (BAOIs) in the region for which the marine plan seeks representative MPAs. The government is examining ways to streamline the remainder of the planning process, namely by grouping the nine BAOIs according to shared biodiversity and economic issues. Stakeholders would then address each group of BAOIs in parallel with the other groups. Once the full system of candidate MPAs has been identified, a scientific peer review will assess it against the established objectives of a comprehensive, adequate, and representative MPA system.

Wilks says that amid this ambitious planning process, it has been essential that government be straightforward with the stakeholder groups. "The key lesson is to keep the process scientifically credible and open to stakeholder input," she says. "This allows us to build in sectoral interests and support at the earliest stages of MPA design." Given the limited information available on the deep ocean waters of the southeast, she notes, the MPA design process has been supported by information provided by marine resource users through the consultation process, as well as the best available scientific and technical advice from Australia's leading marine science institutions.

Mauritania: Trying to open a debate on offshore oil

International petroleum companies have poured billions of dollars into West Africa in recent years to develop its offshore oil and gas reserves. The region now supplies the US with 15% of its oil imports. The money flowing to West Africa has provided a strong incentive for governments in the region to emphasize further exploration and drilling in their marine waters, to the chagrin of regional conservationists concerned about the related threat of pollution.

Nonetheless, government ministers in the region do recognize the importance of the marine environment. In 2003, a coalition of environment and fisheries ministers from six West African nations agreed on a strategy to establish a network of national and transboundary MPAs in the region, aiming to restore fisheries to sustainable levels, among other goals (*MPA News* 5:1). The *Regional Strategy for Marine Protected Areas in West Africa* seeks to enable harmonization of protection efforts, based on a common vision of sustainable development and poverty reduction. It cites threats to existing marine and coastal national parks in the region that must be addressed. Among these threats, it says, is offshore oil exploration and potential oil spills.

Pierre Campredon coordinates the joint program responsible for implementing this regional strategy. (The program is known as PRCM by its French acronym and is managed by the same organizations that planned the strategy: IUCN, WWF, Wetlands International, and Fondation Internationale du Banc D'Arguin, a French NGO). Campredon says that to address the oil pollution threat, the governments need to consider restraining exploitation to some extent until adequate management systems are in place. He adds, however, "The states are not prone to open this debate."

Campredon says Mauritania — one of the six West African nations whose ministers signed the strategy — is a country where oil development is "going very fast" at the moment: an Australian petroleum company, Woodside, is scheduled to start drilling there in 2005. "There are several problems associated with offshore oil exploitation," he says, citing reported pressure by Woodside on the Mauritanian government to allow the use of single-hulled tankers for oil storage, among other issues. "A very large part of the population depends on a natural resource economy, including fisheries. An oil spill would have a strong negative impact on local livelihoods."

PRCM is taking several steps to encourage the Mauritanian government to address the oil spill threat. "PRCM and its partners have met with the Mauritanian president to tell him we are ready to help national authorities to draft legislation and strengthen national capacities," says Campredon. "We also plan to organize a workshop in collaboration with national authorities and Woodside to inform the general society about the situation." In addition, PRCM seeks to convince the government to apply to the International Maritime Organization for Particularly Sensitive Sea Area (PSSA) status for the country's waters (*MPA News* 3:8), which would likely entail some restrictions on unsafe shipping practices. Campredon says PSSA status for the entire eco-region could come later. In the meantime, he points out, processes to create new MPAs under the regional strategy are underway throughout the region, including in Guinea, Cabo Verde, and Mauritania. 

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The Science and Policy of Protecting Spawning Aggregations

Interview with Yvonne Sadovy, Society for the Conservation of Reef Fish Aggregations

The SCRFA database

Over 110 reef fish species in more than 20 families reproduce in spawning aggregations. The Society for the Conservation of Reef Fish Aggregations (SCRFA), an NGO based in Hong Kong and the US, has built an online database of known aggregations, based on information from published and unpublished literature, personal communications, and interviews with fishers. The objective is to document the current status and exploitation history of aggregations, thus building a strong case for aggregation protection and providing a baseline for research, education, and conservation efforts.

The database is available for searching on the SCRFA website (<http://www.scrfa.org>), and is categorized by roughly 30 parameters, including country, species, months of spawning, and catch-per-unit-effort trend. Data on the location of aggregations are available at low resolution and on a country-specific basis directly from the database. More detailed location information is available only in the context of management initiatives, in collaboration with SCRFA.

Many commercially important fishes reproduce in spawning aggregations that range in size from just a few individuals to tens of thousands. Because such gatherings can yield large catches and are often easy to locate again once discovered, spawning aggregations are attractive to fishermen. Overexploitation can occur quickly, as has happened for several reef-based species worldwide, like groupers, snappers and emperor fish.

A global effort is underway to help protect such aggregations and to raise awareness of the problems of aggregation fishing. Led by the Society for the Conservation of Reef Fish Aggregations (SCRFA), an international NGO, and funded by the David and Lucile Packard Foundation, the initiative has built a global database of spawning aggregation data for reef fishes, and is working with governments to encourage conservation and management measures where appropriate. Marine protected areas — such as no-take reserves or seasonal closures of fisheries — can play an important role in such conservation.

Below, *MPA News* speaks with biologist Yvonne Sadovy, SCRFA director, about the conservation options available for spawning aggregations. Although SCRFA focuses on tropical reef fish, Sadovy says much of what has been learned can be applied to temperate reef, or even non-reef, species as well.

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MPA News: Should all spawning aggregations of commercially valuable reef fish be incorporated in no-take reserves?

Sadovy: No. Not all reef fish spawning aggregations need to, or should, be incorporated in no-take reserves, nor do they all need to be protected. There are some circumstances when low levels of subsistence fishing on spawning aggregations can probably be sustained, and not all aggregating species are equally vulnerable to fishing.

In cases where protection is necessary, the appropriate measures depend on the biology of the species, the nature of the fishery, and the local management and social contexts. In many places, a seasonal sales ban during the spawning season might be easier to implement than a no-take reserve. One specific example is in Palau, which has a seasonal sales ban on three species of aggregating groupers. Although the aggregation sites are also temporarily protected during the reproductive season, their distance from land and the limited enforcement capacity mean that they cannot be easily observed. Therefore, no one is allowed to catch or sell fish during the aggregation period. Moreover, the reef channels where the aggregations occur are important

fishing areas for a range of species outside of the reproductive season, so closing them permanently as part of a no-take reserve would be unacceptable to many local communities.

In addition, aggregation locations can shift from year to year. If the protected area is too restricted, or if fish migrate along predictable pathways to aggregations, as the Nassau grouper seems to do in the Caribbean, then a no-take reserve may not protect the aggregations or migration routes effectively unless it is very big, which may be difficult to implement in practice.

Finally, in many places the actual spawning locations are not widely known. Protection of fish during spawning seasons, which are relatively easy to determine, can effectively protect such species without any need to know the physical location of aggregation sites. Several such sites are protected largely because they are not yet known.

MPA News: Could the process of trying to protect such aggregations actually have the effect of publicizing their location, potentially exposing them to greater fishing pressure?

Sadovy: This is an important point and is true only if the aggregation site itself is to be protected, rather than using some other form of management such as seasonal protection. This is why different management options need to be considered and applied according to local circumstances.

For example, in the Indo-Pacific over the last decade, there has been a growing commercial interest in many reef fishes for the international trade in live reef fish for food. Several of the key species in this trade aggregate to spawn, and traders and businessmen — looking for good sources of live fish — search for potential aggregation sites using the same kinds of information as biologists do. If biologists should release information prematurely on aggregation locations, or reveal techniques that would make aggregations easier to find, there is a very real risk that the aggregations will be fished, even overfished, before protection can be implemented.

The reality is that very few known spawning aggregations, anywhere, are currently protected and few of these are protected effectively. SCRFA therefore believes that there is a need for discretion in not widely revealing aggregation site locations identified by our work, other than in the immediate context of management with local communities, conservation groups, and government, and then only on a strictly need-to-know basis.

Almost all the sites that we have come to learn about in our Western Pacific work are already known by fishers, but often only by a few small communities. Again, one

way to protect species without widely revealing their aggregation sites, or without knowing all the sites, is through seasonal protection. Another approach, in the Pacific, is to protect outer reef channels and passes during the spawning seasons since such areas are already known to be a significant habitat for spawning aggregations for several valuable fish species. In some places, such habitats could be included in the planning of no-take marine reserves.

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Notes & News

Report available on state-level MPA policies and programs in US

A new report is available on state-level MPA policies and programs in the US, with analysis of the potential for future federal/state coordination within a national system of MPAs. Published by the Coastal States Organization in cooperation with the National Marine Protected Areas Center, the report examines potential implications for states from a national MPA system and presents a series of recommendations for building such a system. The findings are based on research and interviews with coastal and ocean managers from the 35 coastal states, territories, and commonwealths.

The report — *State Policies and Programs Related to Marine Managed Areas: Issues and Recommendations for a National System* — and a supplemental publication containing case studies are both available online at http://www2.mpa.gov/mpa/mpaservices/virtual_library/publications.lasso.

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Online discussion board available to coral reef MPA practitioners

A new online resource for sharing knowledge and posting inquiries on coral reef conservation and coral MPA management is available. The CORAL Discussion Board, launched in April by the US-based Coral Reef Alliance, provides a free web-based forum for practitioners and stakeholders to discuss issues related to the conservation of coral reef ecosystems. Organized by topic — such as coral park management or self-financing of MPAs — the board provides a viewable history of discussions, allowing visitors to benefit from the accumulated information over time. To join the discussion board, visit <http://www.coral.org/cdb>.

Rich Wilson, outreach coordinator for the Coral Reef Alliance, says the discussion board will complement the existing Coral Health and Monitoring listserv, also known as Coral-List (<http://coral.aoml.noaa.gov>). Coral-List, operated by the US National Oceanic and Atmospheric Administration, is primarily intended for use by coral health researchers and scientists, whereas the CORAL Discussion Board is aimed at a broader audience, says Wilson. "Anyone who has an interest in coral reef protection is welcome to participate in the

discussions on this site," he says. "As more discussion is generated, new forums within the board will be established, based on the needs and interests of users."

MPA Lesson Learned Connecting with local media

Through most of the 1990s, the Bonaire National Marine Park in the southeastern Caribbean received little attention from local Bonaire media. Although park staff produced press releases about activities in the park, these materials were usually ignored. "There was an underlying lack of connection between the park and the press," says Kalli De Meyer, who was director of the marine park at the time.

This changed in November 1999 when Hurricane Lenny lashed Bonaire's shores. "In the midst of the mayhem, while the marine park was hurriedly trying to assess the impact of the storm waves, the press called," says De Meyer, who is now executive director of Coral Resource Management, a not-for-profit corporation based on Bonaire. "It seems we were the only ones brave or foolish enough to venture out of the marina, and the local press was desperate to get photographs and a first-hand impression of what was happening. Risking life, limb, and boat we took them out."

It was as if this opened a door between the park and the media, she says. "Because the marine park came through when the media desperately needed assistance, the media began to recognize the park as something of interest," she says. Afterward, reporters began to contact the park for information on other issues. "What we learned was that telling them was not enough — they needed to be involved," she says. "Also, helping the media to cover what *they* saw as newsworthy gave us the credibility to begin telling them what *we* thought was important."

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discussions on this site," he says. "As more discussion is generated, new forums within the board will be established, based on the needs and interests of users."

The Coral Reef Alliance provides other resources to coral MPA practitioners as well, including seed money to participants in the organization's workshops, onsite training and technical assistance for park managers, and a set of best practice guidelines for diving, snorkeling, and other marine recreation activities (*MPA News* 4:6). To learn more, visit the Coral Reef Alliance website at <http://www.coral.org>.

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Editor's note

Kristy Ellenberg is a facilitator, trainer, and environmental consultant. She has developed and taught courses on negotiation and conflict management across the US, including a workshop — “Negotiating for Coastal Resources” — offered by the (US) National Oceanic and Atmospheric Administration’s Coastal Services Center and the National MPA Center’s Training and Technical Assistance Institute. She has also been involved in an array of negotiations and public processes on land-use issues, coastal resource management, and organizational development.

In this perspective piece, Ellenberg advises MPA managers on how to prepare for negotiations. Her advice is based on her own experiences in negotiations and public processes, as well as feedback she has received from attendees of the “Negotiating for Coastal Resources” workshop.

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Additional information on training offered by the NOAA Coastal Services Center, including the workshop on negotiations, is available at <http://www.csc.noaa.gov>.

MPA Perspective | Preparing for Negotiations on Coastal Issues

By Kristy T. Ellenberg

For coastal resource managers, negotiation skills are essential whether working collaboratively with program partners, defining management practices for an MPA, or participating in land-use decisions that will affect coastal resources. While negotiation is basically a communication process for reaching resolution on an issue, negotiations in coastal settings can become quite complex. This is due to several reasons, including the variety of disciplines and stakeholders involved, the public nature of these decisions, the time constraints on decision-making, and the significant impact that decisions can have on natural and economic resources.

The first and most important step in the negotiation process is to prepare well for it. Taking time to analyze factors and anticipate the responses of other parties will help managers make better offers and evaluate solutions more effectively during negotiations. Using the following strategies during planning can lead to a successful negotiation that builds or maintains relationships and produces a wise agreement:

Understand the scope of the negotiation.

Defining the scope of the negotiation will help the manager keep discussions focused and productive. This step determines:

- 1) The exact issues to be addressed, creating a common understanding for participants of why they are there;
- 2) The parties to the negotiation, insuring all essential parties are involved early in the process;
- 3) The timeframe for decision-making; and
- 4) The authority of each party.

Confirming the authority of parties as negotiations begin may prevent discussions from stalling when parties seek outside approval of solutions from a superior or on behalf of an organization.

Identify and anticipate the interests of all parties.

When negotiations begin, most parties already hold policy positions. In coastal scenarios, for example, some groups may favor designation of a no-take zone while others will oppose it. Negotiations that focus exclusively on positions generally polarize the parties and damage relationships, and may produce unwise agreements or no agreement at all.

Therefore, it is best for managers to concentrate on the interests underlying each party’s position. The interests of parties are the motivations for why they take a position, usually based upon needs, desires, concerns, or fears. Interests of parties in coastal scenarios can include such things as preserving resources and biodiversity, increasing economic development through tourism, or sustaining commercial fishing fleets.

In preparing for negotiations, the manager should attempt to predict the interests of the other parties involved, as well as identify the interests of his or her own agency. In doing so, the manager may see where shared interests lie and form solutions to meet the primary interests of all parties involved. Managers will discover that for each position there can be multiple interests and for each interest there can be multiple solutions, which will allow for more creative discussions in resolving issues.

For example, managers have implemented many different solutions to meet the dual objectives of conserving biodiversity while also maintaining fisheries. These include agreements to close marginally productive sites while limiting the number of fishers in an area through licensing, or agreements to compensate fishers where productive sites are closed. Each solution depends on local criteria, background information, and interests of parties rather than arbitrary concessions.

Collect background information and technical data.

Early stages of negotiations often produce more questions than answers because of information gaps, making early meetings potentially less productive and more frustrating even if discussions are worthwhile. Thus, it is essential that education becomes part of the negotiation process. In complex coastal scenarios, technical and background information from a variety of disciplines — ecology, oceanography, socio-economics, and/or law, as well as anecdotal and historical information — may be required so that the parties can have a complete and accurate understanding of the issues at hand.

The manager should consider: 1) what types of information and research are needed for groups to understand the issues; 2) where potential sources of information are available; and 3) how information could be incorporated into the process.

Know the alternatives to negotiations.

Negotiations do not solve all issues and disputes, and impasse is sometimes the best outcome to a process. While preparing, managers should consider what alternatives are available outside of the negotiation process and use this perspective to measure all offers and potential agreements. Having a “best alternative to a negotiated agreement” (or BATNA) empowers a party to walk away from unwise agreements and to refrain from arbitrary concessions when other parties use negative negotiation tactics. It may also encourage parties to continue working together on solutions when alternatives to negotiation are not attractive. A manager’s BATNA may involve pursuing legal proceedings, coordinating educational and outreach programs, developing incentive programs, organizing media releases, building partnerships, or using other creative approaches to meet the party’s primary interests. 