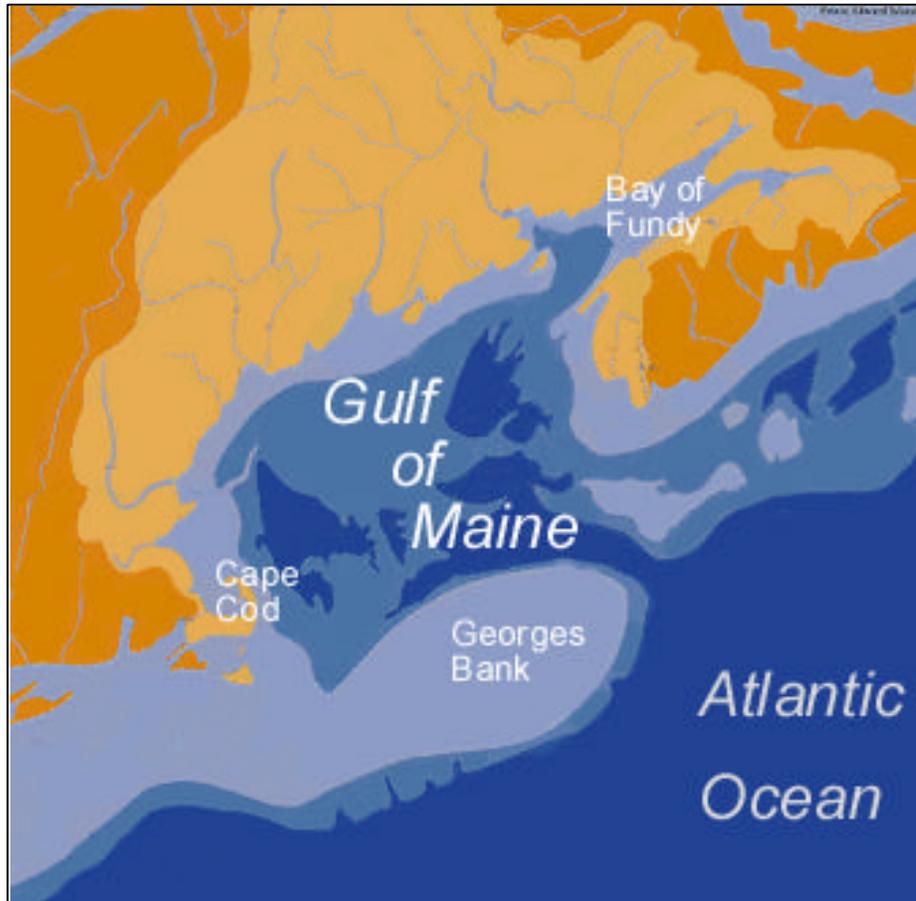


THE GULF OF MAINE

Maine, Massachusetts, and New Hampshire, U.S. –
New Brunswick and Nova Scotia, Canada



Base map courtesy of Gulf of Maine Council.

INTRODUCTION

The Gulf of Maine, a semi-enclosed ecosystem with a total area larger than the state of Wyoming, is one of the most biologically productive bodies of water in the world. The U.S. and Canada have a history of feuding over this region's resources, largely because both countries are equally dependent on the Gulf as an economic base. The states and provinces bordering the Gulf created the Gulf of Maine Council on the Marine Environment (Council) through a formal multiparty agreement in 1989 to address ecosystem-scale environmental problems, such as the protection and conservation of the ecological balance within the Gulf of Maine ecosystem, the problem of marine debris and medical waste, and the relationship between land use and the marine environment.

The missions of the agencies represented at the Council's table are varied and the Council relies on members to find common ground. The Council has been sharply criticized,

however, for creating a collaborative of government agencies, excluding non-governmental parties, First Nations, and other groups from decision-making. Perhaps in response, the Council has reached out to other groups in the region. The Council's efforts have been supplemented by the diverse membership of the Global Program of Action Coalition (GPAC). The union diversifies the Council's perspective and provides a formal vehicle for greater public participation.

The case highlights several important themes of transboundary collaboration, including the importance of incorporating diverse stakeholders. It also shows how important a long-term perspective is to solving this type of problem. With a highly formal organizational structure and a diverse base of stakeholders, the Gulf of Maine Council has provided a central focus for coordinating the management of the region's economic and ecological resource base. As a long-standing transboundary organization, the Council has been effective in improving cross-border communication.

CONTEXT

The Gulf is often called a “sea within a sea” because its waters are almost entirely cut off from the northwestern Atlantic Ocean by underwater banks. Since majority of its perimeter is enclosed by land,¹ ocean currents retain the majority of the Gulf's nutrients with a dominant counter-clockwise movement, influenced by freshwater from rivers.² Temperature variation from north to south creates a vertically mixing sea that brings nutrient rich waters to the surface.³ Hundreds of species of finfish and shellfish, and more than 18 species of marine mammals, feed in the nutrient rich waters.⁴ The Gulf provides critical habitat for the northern right whale and other endangered species. The varied habitats, including more than 3,000 islands, are used by an abundant number of diverse bird species. Many species of fish, marine mammals, and birds lead transboundary lives in the Gulf of Maine.⁵

The Gulf supports a rich maritime industry in the region and has for several centuries.⁶ By most accounts, the region is economically dependent on the Gulf's resources. While resource extraction and processing remain the backbone of maritime economic activity in the Gulf, new uses are fast growing. Sailing, whale watching, and other non-extractive activities draw millions of visitors to the region every year, supporting a burgeoning tourist economy. Many coastal towns are shifting away from fishing-based economies to capitalize on this new economic potential. Aquaculture[†] also has a demonstrated potential in the Gulf. The clean, nutrient rich waters make an ideal environment for such an enterprise. The uses of the Gulf are increasing, but one fact remains—the ecological viability of the ecosystem underpins the success of the region's economy.

[†] Aquaculture, often referred to as fish or aquafarming, is the art, science and business of cultivating aquatic animals and plants in fresh or marine waters.

Ecosystem Stresses

Given the size of the Gulf ecosystem, it is of little surprise that its stresses run the gamut from toxic and bacterial contamination to nutrient loading and disturbances caused by increased coastal recreation.⁷ Impacts from these factors are not just environmental—coastal economies are in turn threatened by these stresses. For example, the Gulf's fishing economy, and indeed its very character, is extremely sensitive to damage to the fisheries.⁸ Overfishing threatens the economic health of the region. Widely regarded as one of the world's most productive fisheries, the Gulf has nurtured a thriving maritime heritage for several centuries. Foreign fleets would come from around the world to the Gulf's waters for the abundant supply of fish until restricted in the 1970s.⁹ Shoreline and offshore fisheries have collapsed over the past several years; in particular, cod, haddock, and halibut have all been overfished.¹⁰

The shipping of petroleum products also poses a threat to the Gulf ecosystem.¹¹ Oil discharges, spills that harm wildlife, and whale-ship collisions are commonly reported. Environmental concerns slowed plans to drill for oil and gas in the Gulf region. A moratorium on further exploration of Georges Bank remains in effect until at least the year 2012.

Population-related pressures are rapidly increasing, as well. Over five million people currently reside in the coastal counties of the Gulf of Maine region.¹² People are moving to parts of the Gulf in unprecedented numbers. Physical development to accommodate in-migrants occurs on some of the most ecologically significant land in the Gulf—marine wetlands. These areas are largely in private ownership on both sides of the border,¹³ making them difficult to regulate.

The population explosion and its accompanying physical development threaten the health of the Gulf with their byproducts, too. Tons of raw and partially treated sewage are discharged into the Gulf each day. Industrial effluent, urban runoff, and agricultural practices all introduce toxic contaminants into the marine and estuarine waters on a chronic basis. The loss of marine wetlands makes the impacts from discharge more acute and threatens the biological productivity of the system.¹⁴

Although limited data exist to fully assess the environmental quality trends on a Gulf-wide basis, warning signs of degradation are clear in the research results of the last two decades.¹⁵ Despite a full understanding of the effects of the stresses catalogued above, it is clear that the Gulf's natural functionality is being threatened. Certain fish and shellfish exhibit liver lesions, fin rot, and other signs of environmental stress. The right whale, piping plover, and other species of wildlife are endangered or declining. Health advisories have been issued in several near-shore regions of the Gulf to protect the public from swimming in contaminated waters. Since changes in habitat have occurred over centuries, it is not possible to estimate changes in species diversity, abundance, and distribution that can be attributed specifically to anthropogenic activities compared to natural disturbances.¹⁶ These impacts are translated to Gulf residents into economic hardship.

Mutual Dependence on the Ecosystem

Canada and the U.S. are both dependent on the same resources in the region, creating friction and an overarching need to cooperate. The region has a history of international disputes stemming from its reliance on natural resource based economies.¹⁷ In fact, nearly 20,000 fishermen operate approximately 300 Canadian and 1,350 American fishing vessels, as well as 4,000 lobster boats in the Gulf.¹⁸ The 1970s and 1980s saw the U.S. and Canada engaged in bitter disputes over fishing rights to the Georges Bank, softwood lumber, and lobsters.¹⁹ The Georges Bank dispute was so contentious as to require adjudication by the International Court of Justice. The proverbial “myth of the fixed-pie,” a zero-sum game where gains for one party seem to be losses incurred by other parties, dominated government relations in the region: both countries were fighting for their fair share of a limited amount of resource.

History of Transboundary Collaboration

The two country’s mutual dependence on the region also has set the stage for a long history of collaborative work *within* each of the national jurisdictions. The New England Governors Conference and Eastern Canadian Premiers (NGEC/ECP) are longstanding forums with a history of working together, *ad hoc*, on issues of mutual concern.²⁰ For example, the *Joint Canada-United States Marine Pollution Contingency Plan for Spills of Oil and Other Noxious Substances* precipitated U.S. and Canadian Coast Guards to establish a joint spill response plan in 1974.²¹ This provided a foundation for regional action.²² The significant challenge to the region was moving collaboration across the international border, especially at the government level at which the disputes took place.

The Gulf of Maine Council on the Marine Environment

Following soon after the World Court decision on fishing in the Georges Bank, an idea was formalized by the community of state and provincial coastal zone managers. They were like-minded individuals who had established close personal relationships through the years. These agency employees observed that, although they met to talk about individual concerns, there were a number of challenges on the regional perspective that would benefit from a more consistent, ongoing program.²³

This group sketched a rough template of what a transboundary collaborative process might look like. They presented their idea to the Governor of Maine, who in turn presented it to the Governors and premiers of Gulf states and provinces. In only 18 months, all five Governors and premiers signed the *Agreement on Conservation of the Maine Environment of the Gulf of Maine between the Governments of the Bordering States and Provinces* in December 1989.²⁴

The Gulf of Maine Agreement was conceived, pitched, and signed within a remarkably short time period. Several considerations facilitated the creation of this elaborate program. First, the Council did not infringe on jurisdictions—it simply offered preexisting agencies an opportunity to coordinate management around regional priorities. It billed itself as a forum or a process, not an organization. The agreement did not threaten the jurisdiction or sovereignty of country, state, or province. Instead, it formalized a process for participants to exchange information, agree upon mutually

beneficial goals, and work toward those priorities within the context of preexisting agencies with preexisting budgets and personnel already organized and trained.

Second, some critics have noted that the Council's early priorities, such as decreased toxic contamination and reduced marine debris, addressed generally agreeable issues while sidestepping highly contentious issues. The Council aimed early on at improving the health of the entire Gulf by capitalizing on issues that were largely ignored at the state or provincial level and could provide immediate results. Although the ecological benefit of several programs, such as production of the regional *Gulf of Maine Times*, is unclear, the Council avoided conflict by focusing first on issues that offered the possibility of success.

Finally, the leading factor that brought the parties together was strong leadership, primarily from the Maine State Planning Office.²⁵ These individuals spent a great deal more time than other participants were willing or able to at the outset of the Council. Since the Council piled additional burdens onto already overworked agency officials, the Council's early leadership was essential to its survival.

Nevertheless, the Council did encounter significant early barriers. Despite the short path to signature, one of the architects of the Agreement suggests that it could have happened in an even shorter time: "Frankly, that was one of the challenges we faced before the program was created...getting people interested."²⁶ The Agreement was a proactive measure. Another barrier to collaboration was the history of feuding between the U.S. and Canada over the very natural resources that the Gulf of Maine Agreement dealt with at a state and provincial level. Noted a participant, "We'd had a history of the region fighting with each other over natural resource based economies."²⁷

Furthermore, a lack of resources within the member agencies hamstrung cooperation. A state agency employee and early Council participant recalled, "Because we did not have any money...we said 'how can we do this within existing resources?'"²⁸ Limited funding resources possibly helped the Council as much as it hindered it, however. Agency representatives struggling to structure the Council developed a sense of ownership by devoting personal time to the effort.²⁹

Finally, the international border was a significant obstacle to collaboration in the Gulf. One founder recalled that involvement by the U.S. Department of State and the Canadian Ministry of External Affairs prolonged the agreement negotiations. Both agencies were very territorial about the cross-border agreement, claiming only they had the authority to negotiate this kind of arrangement. He added, "They thought it was rather presumptuous of the states and provinces to even entertain the idea of a program that would not cause a treaty to be signed or the President and Premier to be involved."³⁰

Global Program of Action Coalition

In addition to the Council, the tri-national Commission on Environmental Cooperation[†] (CEC) established a strategic planning process designed to address the impact of land-

[†] CEC was created by the North American Free Trade Agreement.

based activities in the Gulf of Maine. The CEC assisted a group of individuals from an array of coastal sectors[†] in the formation of a binational cross-sectoral partnership, the Global Program of Action Coalition for the Gulf of Maine (GPAC). Primarily volunteer based, the GPA Coalition for the Gulf of Maine (GPAC) has worked to develop a consensus on priority land-based activities that are contributing to the deterioration of marine habitats in this critical ecosystem, and to take action, or encourage others to take action to curb their impacts.³¹ Creation of GPAC was motivated by a 1995 accord called the *Global Program for the Protection of the Marine Environment from Land-Based Activities* (GPA). The United Nations-sponsored GPA was adopted by 108 countries, including the U.S. and Canada.

GPAC's membership involves a much broader base than the Council, although there is a significant number of individuals involved in both efforts.³² Unlike the Council, GPAC was designed to maximize participation by all stakeholders. Key to the GPAC decision-making model is incorporating representation from all sectors, since GPAC believes regional consensus should be the appropriate criteria for setting policy at the regional level.³³

GPAC chose to implement the GPA methodology within the Gulf of Maine through two major binational workshops.³⁴ The first, held in St. John's, New Brunswick, in April 1998, identified eight pollutant priorities and seven habitat priorities. Participants recall the trademark of the workshop was a very participatory system that essentially allowed all attendees to vote on the priorities.³⁵ About a year later, GPAC convened another workshop in Portland, Maine, to identify strategies for each of the priorities. Again, the workshop emphasized participation by the diverse interests in attendance.³⁶

At the second workshop in 1998, a common concern emerged from a majority of the breakout groups. Workshop participants questioned how the strategies identified would be carried forward. In the course of discussion, the Gulf of Maine Council was recognized as a central figure, but assessed as a bilateral institution without management enforcement authority.³⁷ As such, the Council was not dealing with several priority issues identified by GPAC. Out of that discussion came a proposal, currently being explored, to start the long process of requesting a review by the International Joint Commission (IJC) of the adequacy of institutions in the Gulf to meet ecological goals.³⁸

APPROACH TO TRANSBOUNDARY MANAGEMENT

Transboundary interaction in the Gulf of Maine occurs on several levels. The predominant avenue for transboundary collaboration occurs through the Gulf of Maine Council on the Marine of Environment, which remains the central forum. Twelve years of operation have exposed several organizational limitations, however. Advisory

[†] Including environmental advocacy and community action groups, research and educational institutes and organizations, business and industry, three levels of government, and aboriginal peoples.

relationships with two other groups that naturally complement the Council broaden the Council's perspective.

The Gulf of Maine Council

Twelve years since its inception, the Council is still in operation. Several things have held the Council together. The Council's Coordinator suggests that concerns over a shared resource have bound these jurisdictions to finding solutions to the ecological problems of the Gulf.³⁹ Certainly, a formal multi-party agreement also helped keep disinterested parties at the table. Signed by the highest political officials in the region, the Agreement engaged the superior officers of the relevant state and provincial agencies. There was no room for opposition from above to curtail the effort.

The Council's mission is to "maintain and enhance environmental quality in the Gulf of Maine and to allow for sustainable resource use by existing and future generations."⁴⁰ The Council serves as a link between the state, provincial, and federal agencies involved in GOM management, disseminates scientific data, assists with funding, and generally facilitates efforts by the five jurisdictions to maintain and enhance the health of the Gulf. The Council provides implementation grants to local organizations in support of the regional priorities it identifies in its Action Plan, which houses the Council's goals and objectives.⁴¹

Membership of the Gulf of Maine Council

In addition to one non-governmental representative chosen by each jurisdiction, the Council membership consists of:

Maine

- Director, Maine State Planning Office
- Commissioner, Department of Marine Resources

Massachusetts

- Director, Coastal Zone Management
- Secretary, Executive Office of Environmental Affairs

New Brunswick

- Minister, Department of Environment and Local Affairs
- Minister, Department of Fisheries and Aquaculture

New Hampshire

- Director, Office of State Planning
- Commissioner, Department of Environmental Services

Nova Scotia

- Minister, Department of Environment and Labour
- Minister, Department of Agriculture and Fisheries

The Action Plan is viewed as a living document that is expected to change in light of dynamic scientific priorities and public perceptions.⁴² The Council's most recent Action Plan introduced measurable goals and objectives to chart the progress of the Council. The Council's 1996-2001 goals are:

- Protect and restore regionally significant coastal habitats,
- Restore shellfish habitats,
- Protect human health and ecosystem integrity from toxic contaminants in marine habitats,
- Reduce marine debris, and
- Protect and restore fishery habitats and resources.

The Council is in the process of creating its 2001-2006 Action Plan, which builds upon the existing plan. It continues to focus on habitat and ecosystem integrity. In addition, it is evaluating the role it can play in a couple emerging issues, including aquatic nuisance species and supporting environmentally sustainable marine-based economic activity.

Organizational Structure

The Council is often referred to as a process, not an organization.⁴³ Nevertheless, the Council has an intricate, sophisticated structure. It is comprised of two governmental delegates from each of the three states and two provinces (see inset box), as well as one private sector/NGO representative selected by the jurisdiction. The leadership duty of the Secretariat rotates annually, so that each jurisdiction has leadership responsibilities every five years.

The Council has four committees. Committee members, and their US and Canadian co-chairs are from Council member agencies and federal partner agencies as well as from academia and NGOs. The Council's committees are:

- Public Education and Participation,
- Data and Information Management Committee,
- Monitoring Committee, and
- Marine Debris.

The Council meets two times per year. Committee meetings are often held in concert with the biannual Council meetings.

The Council also has federal partners from both the U.S. and Canada (see inset box at right). While these representatives do not have voting power and are not signatories to the original Agreement, they are full participants in Council action,⁴⁴ are full members on the Working Group, committees, and some even pay annual contributions.⁴⁵

To supplement the infrequent meetings of the formal Council, a Working Group handles the week-to-week affairs. The Working Group Chairman explained, "As the name implies, it's the group that does the day-to-day work."⁴⁶ It consists of a designee from each agency represented on the Council, and the Committee co-chairs. The Committee co-chairs can be from academia and the non-profit community.⁴⁷ A recent addition to the Council's structure is a separate Management Committee that consists of a representative of each member jurisdiction. The Management Committee makes decisions in between formal meetings of the Working Group or the Council.⁴⁸

In December 2000, the Council hired a permanent coordinator. This was, in some ways, contrary to the Council's "do it ourselves" attitudes, but the addition has greatly increased the efficiency of the Council.⁴⁹ Rather than transfer the managerial duties with the strategic leadership responsibility of the rotating Secretariat, the Coordinator now manages the details.

Finally, there is a non-profit entity on either side of the border—the Association of U.S. Delegates to the Gulf of Maine Council and the Canadian Association of Delegates to the Gulf of Maine Council. The Associations were created to help the Council realize its short and long-range agendas.⁵⁰ The associations' members are the jurisdictional delegates to the Council, including private representatives. These enable the Council to receive and disburse funds.⁵¹ The associations also provide an opportunity for U.S. and Canadian Council members to meet once or twice a year as a national delegation.

The Council at Work

The Council operates on a consensus basis. Although there is technical voting authority reserved for Council members, it is rarely, if ever, used. The Council has no formal decision making authority — there is no formal statute gives it control over the coordinated management of the ecosystem’s resources. It is not a management body and does not plan the future of the land or water-based resources. One Working Group member put it this way: “The Council is a forum. It doesn’t have any statutory authority, nor regulatory authority—it’s just a group of people who get together to share information.”⁵²

The Council achieves its goals by integrating regional commitments into agency member responsibilities. The driver of the Council is its membership—*they* are all in charge of large budgets, large staff, and make decisions in their relevant state or provincial role.⁵³ Without action on the part of the Council members, the Council’s goals cannot be met. The Council’s Coordinator suggests, “Perhaps because it is not a highly funded [organization], more of its work is done through the activity of its agency members than through Council activity in a collective way.”⁵⁴ Critics of the Council suggest that this strength is actually a vulnerability: “The Council was never set up as a management body. It’s an administrative network...where bureaucrats get together twice a year and exchange notes...It’s nothing more than a mutual admiration society as far as I can see.”⁵⁵ Even Council members note that this approach has both its strengths and weaknesses.⁵⁶

There are a large number of government agencies responsible for the Gulf on both sides of the border. There is a disparity of activity that favors the U.S., however. The Canadian provinces have a much less aggressive menu of legal and statutory tools to employ to conserve habitat, discourage sewage discharge, or minimize the release of toxics.⁵⁷ There is also a disparity in financial resources available in Canada, both for community efforts and the Council itself.⁵⁸ Nevertheless, a strong understanding of the interdependence of the communities in all Council jurisdictions and their reliance on the Gulf underpins regional activity.⁵⁹

Federal Partners to the Council, 2001

United States

- National Oceanic and Atmospheric Administration
- U.S. Fish and Wildlife Service
- Army Corps of Engineers
- Environmental Protection Agency

Canada

- Department of Fisheries and Oceans
- Environment Canada

Stakeholder Involvement

The Council was conceived as a forum for relevant state and provincial agencies charges with maintaining the health of the coastline. Some critics highlight the lack of formal representation as a fundamental flaw in the Council’s structure.⁶⁰ Others acknowledge that the Council does not fully represent the diversity of perspectives on the issue, but note that that was by design—the Council was created to be a collaborative of government agencies.⁶¹ Regardless, only Council members have formal voting authority.

Other interests are routinely incorporated, however, and their comments integrated into the Council's work. For example, federal partners have been listed from the Council's inception. Although not formal voting members, that does not impede participation by federal agency representatives.⁶² In fact, the Council does not exercise its voting power that frequently — instead, it works on a consensus basis with all parties at the table.⁶³ Private sector representation was formalized in the 1992 charter amendment, although one state (Maine) has chosen to fill that spot with a member from a non-governmental organization.[†]

On the whole, non-governmental organization (NGO) representation and general public participation, nevertheless, is minimal.⁶⁴ This includes community grant-making foundations, which have formed their own regional collaboration to coordinate conservation-oriented grant making in the Gulf.⁶⁵

Collaboration within the Gulf

Not surprisingly, collaboration between different efforts operating in the Gulf has a mixed history. The CEC's initial decision to bring together GPAC created some tension between itself and the Council, and for valid reasons.⁶⁶ Deeply involved Council members saw the fledgling effort as redundant and unnecessary. Others saw it as a competitor for already-scarce resources that should be coming straight to the Council. Furthermore, perceived GPAC support of an IJC review of regional institutions concerned several Council Working Group members. Others saw it as an opportunity to get input from a third party and are very interested in seeing what comes out of it.⁶⁷

GPAC's inclusive policies certainly circumvented an adversarial relationship. Council Working Group members have been GPAC members and have been involved in GPAC projects. These deeply involved individuals were valued for their perspective on regional issues and engaged in this new process from its beginning. The U.S. Co-chair of GPAC suggests, "I think that tensions occasionally pop up here and there, but for the most part those early tensions have smoothed out because the Council has, I think, seen the value of what GPAC has produced."⁶⁸

In that respect, the Council is integrating several regional efforts into its own structure. A 1998 joint statement between the Council and the Regional Association for Research on the Gulf of Maine (RARGOM) incorporated the efforts of regional research scientists into the Council's work (see Figure 1). The joint agreement aimed at coordinating scientific research and increasing communication and collaboration between the two efforts.⁶⁹ It also filled a void in the Council's membership list and gave the Council access to sound science upon which to base its priorities.

The Council could approve a similar statement with GPAC in Spring 2001. Almost identical to the RARGOM agreement, the statement would create a mutually beneficial advisory relationship with the Council for GPAC. GPAC would supplement the Council's narrow perspective with advice from GPAC's diverse constituency, which

[†] Massachusetts appointed Pricilla Brooks of the Conservation Law Foundation to replace Liz Kay, a private consultant, in July 2000.

includes representatives from First Nations, municipalities, the environmental community, and other non-governmental entities.⁷⁰ The Council would create a long-term future for GPAC. GPAC never intended to be an implementation body and an advisory role with the Council would provide a degree of institutionalization.⁷¹

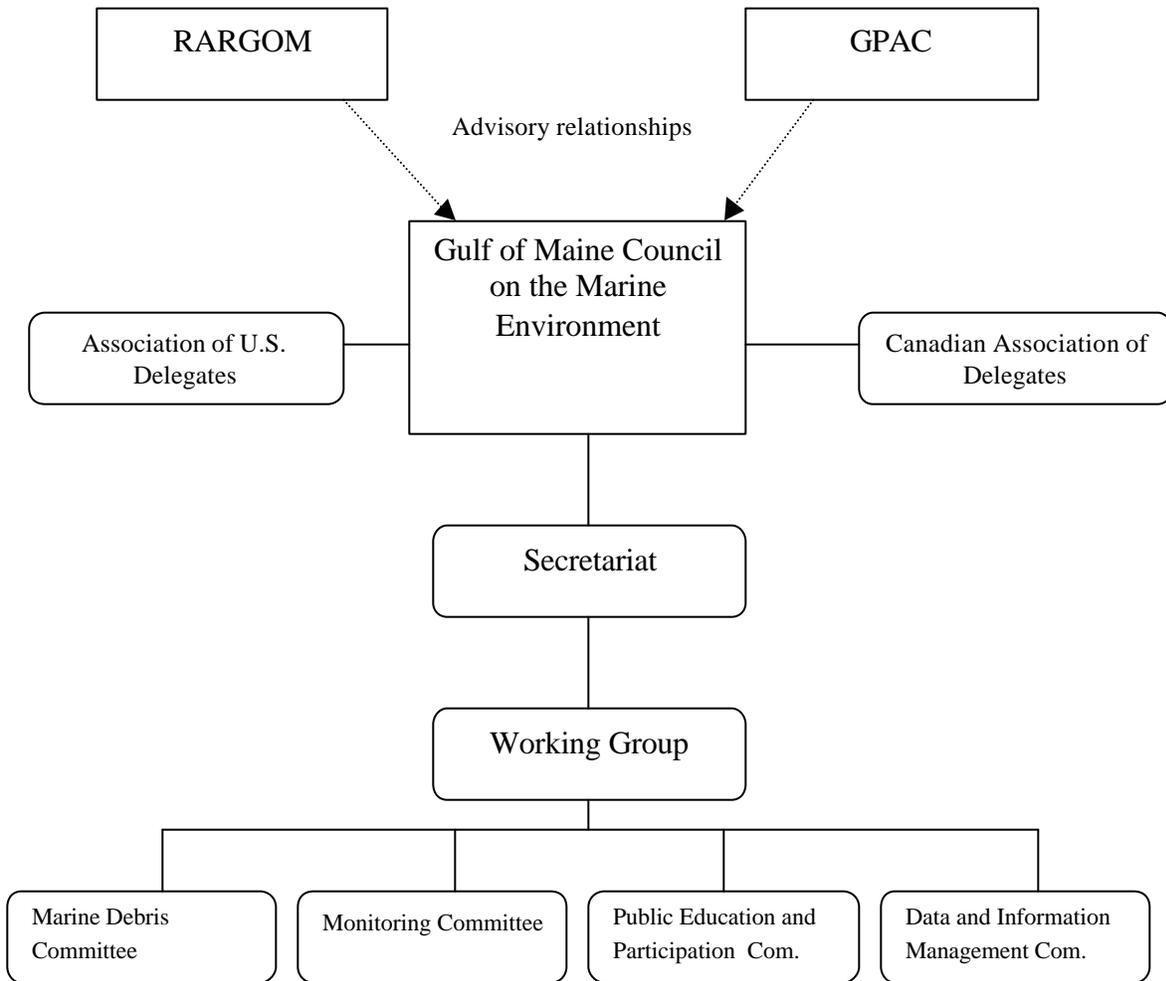


Figure 1. Organizational chart for the Council, including advisory relationships.

ACCOMPLISHMENTS

Participants in regional transboundary processes noted a variety of both ecological and procedural accomplishments. Ecological accomplishments include specific project success, such as joint monitoring. Procedural accomplishments were frequently cited as highly significant as well. Procedural accomplishments include information exchange, procedural longevity, and coordination with other regional efforts.

The Gulfwatch program, administered by the Environmental Quality Monitoring Committee of the Council, was also cited as a major accomplishment.⁷² It is a regional

coordinated monitoring project that has enabled the development of standardized baseline data. Participants suggested that such a project could not have been produced without a regional approach. In fact, the data has been used recently to measure the impacts of an oil spill near Portland, Maine.

Although some believe the primary successes of the Council are more procedural than ecological, the Council has supported a long list of programs designed to improve the health of the Gulf. These include:

- Creation of the Supporting Actions Matrix, a comprehensive listing of the activities of the 16 government agencies and other organizations undertaking Council stewardship projects.⁷³
- Sponsorship of numerous conferences and forums regarding diverse topics such as natural gas pipelines, whale-ship collisions, and improving communication within the Gulf.
- Identification and preservation of significant shellfish habitat.
- Allocation of over \$450,000 to over 90 organizations through implementation grants that support priorities identified in the Council's Action Plan.

Procedural accomplishments cited by participants focused on information exchange.⁷⁴ Vehicles such as the *Gulf of Maine Times*, the regional newsletter produced by the Council, or conferences sponsored by the Council or GPAC offer opportunities for resource managers to meet their counterparts or address a binational audience through a single publication. Information sharing has inspired a sense of community amongst regional actors.⁷⁵ A shared sense of community has empowered this collaboration with a heightened sense of purpose and greater legitimacy in the public eye.

Significant Milestones

- 1989**- Gulf of Maine Agreement signed.
- 1991**- Council approves Initial Plan for the 10-year Gulfwatch monitoring program.
- 1995**- Action Plan completed. Includes measurable goals and objectives.
- 1997**- GPAC created by CEC.
- 1997**- Council completes analysis of Marine Protected Areas.
- 1998**- Council signs joint agreement with RARGOM.
- 2001** – Second Action Plan completed. Incorporates priorities from GPAC forums.

Many involved with the Council feel that its continued existence is a success in itself.⁷⁶ The significant barriers to continued cooperation challenged the Council during its first ten years in existence, including rapid turnover of Canadian members[†], limited financial resources, and limited time. As the Council's Working Group Chair said, "We're not entering the eleventh year—we believe the model works."⁷⁷

[†] Canadian members are the Ministers of provincial agencies. Unlike in much of the U.S., the heads of Canadian agencies are elected officials assigned to the post by the party government in charge. This creates a potential discrepancy of expertise since some Council members have a career-long involvement in the issue and others literally just became acquainted with it. Several participants insisted that this was not a barrier to collaboration, however, but instead a challenge to longevity.

Finally, the Council and GPAC have seen their relationship mature from potential conflict to an impending partnership. The partnership between these two efforts is a significant step toward ensuring the ecosystem's health. For example, GPAC identified priorities through its workshops that the Council had either not addressed or not done so in much detail. Several of these priorities are incorporated in the Council's 2001 to 2006 Action Plan. The Co-chair of GPAC commented, "[The Council] are the ones that have the ongoing responsibility in the Gulf as a whole...[GPAC] has provided not only a vehicle for [other] voices to be heard, but [also] developed a regional consensus on these priority issues and strategies."⁷⁸ The combination of these two elements will create a powerful regional planning forum.

CONCLUSIONS

The Gulf of Maine's health is protected by a dynamic, fluid process embodied in the Gulf of Maine Council on the Marine Environment. A number of perspectives are brought to bear through the work of the Council. Recent developments could dramatically expand those viewpoints by incorporating GPAC as a vehicle for public involvement.

After 12 years, the Council remains the focal point for regional action. Its longevity can be attributed to committed individuals, the unique multi-party agreement formalized before the Council began to work, and the adaptive management principles used to evaluate the performance of the Council itself. This combination of factors allowed the Council to change the way it did business by changing from annual rotating to "permanent" staff, formally incorporating non-governmental interests, and creating external associations to ease funding problems. Nevertheless, the Council's "do-it-ourselves" attitude that conceived of the Council as a process is gradually becoming formalized.

Lessons

- **Incorporate diverse perspectives, even if they are initially hostile to an idea.** Collaborative processes are only as successful as members and the public perceive them to be. If a process is seen as exclusive or insulated, it will quickly lose value in the mind of an interested individual that feels ignored. Even opponents should be invited to the table to prevent adversarial alliances. One GPAC participant notes, "It [should] not just [be] governments talking to each other—it [should be] governments talking to non-governmental organizations, the corporate sector, First Nations, municipalities, ... When you open up like that you get a much more dynamic process for moving things forward."⁷⁹
- **Transboundary collaboration takes a great deal of time.** Individuals should prepare themselves for seemingly glacial progress. Transboundary efforts operate at a myriad of national, state, provincial, and local political systems, often meeting infrequently. Regional efforts call together organizations and agencies with far-flung decision centers and limited funding, all with their own concept of the problem.

Rounding up interested and active representatives, coming to consensus, and moving toward solutions just takes time. The Co-Chair of GPAC underscored this point:

...Implementing the GPA or any other transboundary environmental effort requires a long-term commitment and an on-going process. Results are not seen immediately, particularly when the initial emphasis is developing a multi-stakeholder binational consensus on issues and strategies. And I think that for other regions which are trying to undertake the same kinds of activity where you're trying to fundamentally change human behavior in order to be able to reduce the impact of human activities on the environment, it's a long term prospect and it just takes a lot of time and ongoing effort to bring together all of the different players that have a role to play in successfully addressing the problems.⁸⁰

- **Operate within your resources.** The Council operated for almost ten years with a “do it ourselves” motto and relied on members to perform all the duties necessary to sustain the process. Despite the significance of the Council, however, members were not freed from their day-to-day tasks—each one was the agency head or top manager of a state or provincial agency.⁸¹ Additionally, the rotating Secretariat feature of the Council made the annual transition difficult since incoming Secretariats had to assume the management details from previous Secretariat with little or no institutional memory.⁸² The Council adapted by hiring several full-time staff members to handle centralized administrative functions. One founder recalls, “We’ve adapted our concept of this rotating secretariat to keep the good things—get a jurisdiction to focus once every 5 years and have real ownership of the program—and have some continuity in our staff.”⁸³ The Co-chair of GPAC concurs, “It requires a core amount of resources in order to support [transboundary collaboration].”⁸⁴
- **Establish transboundary collaboration with a strong, well-considered process.** The structure of the process or organization one convenes to deal with a scalar problem must be rigid enough to survive the attrition of leadership, but flexible enough to adapt. Organic structures require a bottom-up approach.
- **Successful collaborations include individuals capable of “perspective taking.”** It is all too easy to rely on assumptions that place colleagues in a context similar to your own. In addition to checking individual interests at the door, participants must work to develop an understanding of the pressures faced by other participants based on the perspective of their employer. Participants should take the time to consciously set aside these generalizations and learn the missions of other agencies. This is particularly true of Canadian counterparts.
- **Political support can be beneficial to transboundary efforts, especially in conferring (or creating) authority.** The Council began life with a “blessing” from the highest political offices in the states and provinces. The Agreement that created the Council preempted questions of Council legitimacy and authority to act.

- **Engage relevant levels of government.** GPAC illustrates that transboundary efforts can influence decision-makers with little government involvement. The Council shows that only certain levels of government need to be involved. The Council actively engages agency employees who manage federal programs in the Gulf without having to juggle the politics of the agencies—since federal partners are not members, the Council has fewer obligations to the central officials who run the agencies out of Washington, D.C., or Ottawa. Although these experiences illustrate that there is no “right” level of government engagement, they indicate that some agencies are more appropriate than others.
- **Transboundary efforts must be willing and able to take the perspective of other actors.** Despite how similar the U.S. and Canada might seem to residents of a transboundary region, subtle differences in culture, history, politics, and other factors can frustrate efforts. The Co-chair of GPAC noted, “It’s just something that I think any other organization or organizations that are working within a transboundary area should be conscious of. In the case of Canada and the U.S., we have a lot of common tradition, interests, ease of going back and forth across the border, but even so, there are still very different politics, agendas, priorities, and so forth...this is a way of saying that you need...perspective when you begin to undertake these things.”⁸⁵
- **Document progress and success.** Creating a paper trail can improve the status of a transboundary organization. Documenting success offers organizations several benefits, including increased visibility and recognition, greater legitimacy in the eyes of the public, and better access to resources. Both the Council and GPAC are good examples of the efficacy of simply circulating ideas in formal documents—a GPAC participant notes that, “The Council excels at self promotion—they do it very well.”⁸⁶ Both organizations have benefited from memorializing the common vision they spent so much time working toward.
- **Committed individuals can make a significant the difference.** So many transboundary projects begin similar to the Council or to GPAC as largely volunteer efforts. In both instances, however, participants are quick to note that the key to longevity was the efforts of a small group of people, especially early in the organization’s history.⁸⁷

Interview Contacts

- **Jeanie Brochi**, Working Group Member, U.S. Environmental Protection Agency
- **Janice Harvey**, Vice-President, Conservation Council of New Brunswick
- **Roger Janson**, Federal Partner to the Council, U.S. Environmental Protection Agency
- **David Keeley**, Working Committee Chairman, Gulf of Maine Council
- **Laura Marron**, Secretariat Coordinator, Gulf of Maine Council
- **Kathryn Ries**, U.S. Co-chair, Global Program of Action Coalition

ENDNOTES

¹ “Gulf of Maine Project,” *Keystone National Policy Dialogue on Ecosystem Management: Final Report*, The Keystone Center (Colorado), October 1996, B-13.

² Judith Pederson and David VanderZwaag, *Sustaining Resources in the Gulf of Maine: Toward Regional Management Actions*, Working Paper prepared for Commission for Environmental Cooperation, January 1997, 18.

³ Michael Sinclair, Scott Wilson, and D.V. Subba Roa, “Overview of the Biological Oceanography of the Gulf of Maine in *Proceedings of the Gulf of Maine Scientific Workshop*, January 8-10, 1991, Jack Wiggins and Christopher Mooers, eds., Urban Harbors Institute, University of Massachusetts.

⁴ Larry Hildebrand, Victoria Pebbles, and Holly Schneider Ross, *Cooperative Ecosystem Management: Approaches and Experiences of Programs in the Gulf of Maine, Great Lakes, and Puget Sound/Georgia Basin*, Report tabled for discussion at Coastal Zone 97, Boston, Massachusetts, July 23, 1997, 5.

⁵ Hildebrand et al. 5.

⁶ Hildebrand et al. 5-6.

⁷ Hildebrand et al.

⁸ Hildebrand et al.

⁹ Hildebrand et al.

¹⁰ Harry Tyler, Jr., “Marine Areas Conservation: A North Atlantic Perspective,” *Marine Protected Areas and Biosphere Reserves: Towards a New Paradigm*, Australian Nature Conservation Agency, accessed on 16 December 2000 at http://www.environment.gov.au/portfolio/anca/mpa/h_tyler.html.

¹¹ Hildebrand et al.

¹² Hildebrand et al., 6.

¹³ Pederson and VanderZwaag, 63; T.D. Power, “The Conservation Easement: A New Tool for Conservation on Private Lands,” in *Ecosystem Monitoring and Protected Areas*, Proceedings of the Second International Conference on Science and the Management of Protected Areas, Nova Scotia, Canada, May 16-20, 1994.

¹⁴ Pederson and VanderZwaag, 63

¹⁵ See Pederson and VanderZwaag; Hildebrand et al.; Sinclair et al.; and “The Need to Characterize Land-Based Activities,” Gulf of Maine Land-Based Pollution Sources Inventory, accessed 12 April 2001 at <http://spo.nos.noaa.gov/projects/gomaine/Characterize.html> for an overview.

¹⁶ RARGOM, *The Health of the Gulf of Maine Ecosystem: Cumulative Impacts of Multiple Stressors*, 1995.

¹⁷ David Keeley, Chairman, Council Working Group, personal communication, 12 November 2000.

¹⁸ *The Gulf Of Maine Action Plan 1991-2000*, Gulf Of Maine Council On The Marine Environment, 1991

¹⁹ David Keeley, personal communication, 12 November 2000, and *A Conservation Framework for Atlantic Lobster*, Report to the Minister of Fisheries and Oceans, Fisheries Resource Conservation Council (Canada), November 1995, accessed 11 February 2001 <http://www.dfo-mpo.gc.ca/frcc/lobster/lobster.htm>.

²⁰ Robert Varney and Kirk Gordon, *Transboundary Environmental Impact Assessment in North America: Proceedings*, 12 December 1997, Tucson, Arizona, and Keeley, *op cit*.

²¹ Richard A. Smith, Richard B. Alexander, and M. Gordon Wolman, “Water Quality Trends in the Nation’s Rivers,” *Science* 235 (1984), 1607-1615, as found in Pederson and VanderZwaag 36.

²² Pederson and VanderZwaag 36-41, and David Keeley, personal communication, 12 November 2000.

²³ David Keeley 12 November 2000.

²⁴ *Gulf of Maine Times*, Winter 1999, and David Keeley, personal communication, 12 November 2000.

²⁵ Janice Harvey, Vice-President, Conservation Council of New Brunswick, personal communication, 25 January 2001, and Laura Marron, Secretariat Coordinator, Gulf of Maine Council, personal communication, 31 January 2001.

²⁶ David Keeley, personal communication, 12 November 2000.

²⁷ David Keeley, personal communication, 12 November 2000.

²⁸ David Keeley, personal communication, 12 November 2000.

²⁹ David Keeley, personal communication, 12 November 2000.

³⁰ David Keeley, personal communication, 12 November 2000.

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- ³¹ Katie Ries, Co-Chair, Global Program of Action Coalition, personal communication, 1 February 2001, and *Protecting the Gulf of Maine from Land-Based Activities: Issues, Priorities, and Actions*, workshop report, Global Program of Action Coalition, held in St. John, New Brunswick, April 27-29, 1998.
- ³² Katie Ries, personal communication, 1 February 2001, and Janice Harvey, personal communication, 25 January 2001.
- ³³ Katie Ries, personal communication, 1 February 2001, and Pederson and VanderZwaag.
- ³⁴ Katie Ries, personal communication, 1 February 2001.
- ³⁵ Katie Ries, personal communication, 1 February 2001, and Pederson and VanderZwaag.
- ³⁶ Katie Ries and Janice Harvey.
- ³⁷ Katie Ries, personal communication, 1 February 2001.
- ³⁸ Katie Ries, personal communication, 1 February 2001.
- ³⁹ Laura Marron, personal communication, 31 January 2001
- ⁴⁰ Gulf of Maine Council website. Accessed 11 February 2001 at <http://www.gulfofmaine.org/Council/mission.htm>.
- ⁴¹ Laura Marron, personal communication, 31 January 2001.
- ⁴² Pederson and VanderZwaag, 39.
- ⁴³ Katie Ries, personal communication, 1 February 2001.
- ⁴⁴ Hildebrand et al.
- ⁴⁵ Roger Janson, Federal Partner to the Gulf of Maine Council, U.S. Environmental Protection Agency, personal communication 7 February 2001, and Jeanie Brochi, U.S. Environmental Protection Agency delegate to the Gulf of Maine Council Working Group, personal communication, 7 February 2001.
- ⁴⁶ David Keeley, personal communication, 12 November 2000.
- ⁴⁷ Laura Marron, personal communication, 31 January 2001.
- ⁴⁸ Gulf of Maine Council website, Hildebrand et al., and David Keeley, personal communication, 12 November 2000.
- ⁴⁹ David Keeley, personal communication, 12 November 2000.
- ⁵⁰ Hildebrand et al.
- ⁵¹ Laura Marron, personal communication, 31 January 2001.
- ⁵² David Keeley, personal communication, 12 November 2000.
- ⁵³ Laura Marron, personal communication, 31 January 2001, and Janice Harvey, personal communication, 25 January 2001.
- ⁵⁴ Laura Marron, personal communication, 31 January 2001.
- ⁵⁵ Janice Harvey, personal communication, 25 January 2001.
- ⁵⁶ Hildebrand et al.
- ⁵⁷ Pederson and VanderZwaag, Hildebrand et al., and Janice Harvey, personal communication, 25 January 2001.
- ⁵⁸ "Who Funds the GOM Council," *Gulf of Maine Times*, volume 3, number 4, accessed 11 February 2001 at http://www.gulfofmaine.org/times/winter99/who_funds_the_gom_Council.html; Janice Harvey, personal communication, 25 January 2001; and Laura Marron, personal communication, 31 January 2001.
- ⁵⁹ David Keeley, personal communication, 12 November 2000.
- ⁶⁰ Conservation Council of New Brunswick, *Public Statement on Gulf of Maine Ecosystem Project*, accessed 11 February 2001 at <http://www.web.net/~ccnb/Maine.htm>, and Janice Harvey, personal communication, 25 January 2001.
- ⁶¹ Janice Harvey, personal communication, 25 January 2001; Laura Marron, personal communication, 31 January 2001; and Katie Ries, personal communication, 1 February 2001.
- ⁶² Roger Janson, personal communication, 7 February 2001, and Jeanie Brochi, personal communication, 7 February 2001.
- ⁶³ David Keeley, personal communication, 12 November 2000.
- ⁶⁴ Analysis of available Council minutes and Harvey *op cit*.
- ⁶⁵ The group, Collaboration of Community Foundations on the Gulf of Maine, operates a website at <http://www.mainecef.org/collaboration.html>.
- ⁶⁶ Katie Ries, personal communication, 1 February 2001.
- ⁶⁷ Katie Ries, personal communication, 1 February 2001.
- ⁶⁸ Katie Ries, personal communication, 1 February 2001.

⁶⁹ *Joint Statement by the Regional Association for Research on the Gulf of Maine and the Gulf of Maine Council on the Marine Environment*, signed December 1998, and Laura Marron, personal communication, 31 January 2001.

⁷⁰ Laura Marron, personal communication, 31 January 2001; Katie Ries, personal communication, 1 February 2001; and Jeanie Brochi, personal communication, 7 February 2001.

⁷¹ Katie Ries, personal communication, 1 February 2001.

⁷² Roger Janson, personal communication, 7 February 2001; Jeanie Brochi, personal communication, 7 February 2001; Laura Marron, personal communication, 31 January 2001; and Katie Ries, personal communication, 1 February 2001.

⁷³ "Gulf of Maine Council Celebrates Decade of Working on Gulf Stewardship," *Gulf of Maine Times*, Winter 1999, <http://www.gulfofmaine.org/times/winter99/headline.html>, accessed on 6 March 2001.

⁷⁴ David Keeley, personal communication, 12 November 2000; Laura Marron, personal communication, 31 January 2001; Janice Harvey, personal communication, 25 January 2001; Katie Ries, personal communication, 1 February 2001; Roger Janson, personal communication, 7 February 2001; Jeanie Brochi, personal communication, 7 February 2001; and Hildebrand et al.

⁷⁵ Roger Janson, personal communication, 7 February 2001, and Jeanie Brochi, personal communication, 7 February 2001.

⁷⁶ David Keeley, personal communication, 12 November 2000; Laura Marron, personal communication, 31 January 2001; and Katie Ries, personal communication, 1 February 2001.

⁷⁷ David Keeley, personal communication, 12 November 2000.

⁷⁸ Katie Ries, personal communication, 1 February 2001.

⁷⁹ Janice Harvey, personal communication, 25 January 2001.

⁸⁰ Katie Ries, personal communication, 1 February 2001.

⁸¹ Roger Janson, personal communication, 7 February 2001; Janice Harvey, personal communication, 25 January 2001; and David Keeley, personal communication, 12 November 2000.

⁸² David Keeley, personal communication, 12 November 2000, and Laura Marron, personal communication, 31 January 2001.

⁸³ David Keeley, personal communication, 12 November 2000.

⁸⁴ Katie Ries, personal communication, 1 February 2001.

⁸⁵ Katie Ries, personal communication, 1 February 2001.

⁸⁶ Janice Harvey, personal communication, 25 January 2001.

⁸⁷ David Keeley, personal communication, 12 November 2000; Katie Ries, personal communication, 1 February 2001; and Jeanie Brochi, personal communication, 7 February 2001.