

# FISHERIES DISPUTES CAN BE MEDIATED



Photo credit: Mike Halminski

The North Carolina Marine Fisheries Commission is often called upon to manage user-conflicts that have little or no bearing on the health of fisheries resources. Conflicts range from simple gear disputes to space, resource allocation, or perceptual issues, and sometimes have historical, cultural, and political roots. Many fisheries-related disputes can be effectively resolved outside the official regulatory process through mediation. The goal of fisheries mediation is to manage disputes in a way that achieves lasting resolution amenable to all parties.

## WHAT IS MEDIATION?

- Mediation is a proven conflict resolution method that aims to achieve a lasting resolution amenable to all parties.
- Mediation requires an independent and neutral third party to manage the process: a mediator who can provide a fair, impartial, confidential, and safe structure with ground rules for dialogue.
- Disputing parties craft an agreement that satisfies the needs of all parties, the community, and the Division
- The mediator has no power to decide how a dispute will be resolved.

## SERVICES PROVIDED BY MEDIATORS

- Assess Conflicts
  - ◇ Mediators collect background information about the issues and stakeholders
  - ◇ Designs a problem-solving processes best suited to the issues
- Mediate Disputes
  - ◇ Create a forum for equal voices at the table and guide the parties through the mediation process
  - ◇ Provide a fair, impartial, confidential, and safe structure with ground rules for dialogue.
- Formalize Agreements
  - ◇ Draft Memoranda of Agreement
  - ◇ Provide copy to DMF for proclamation or rule

## WHICH CONFLICTS CAN BE MEDIATED?

- *Gear* (e.g. trawls/pots) Conflicts between users of different fishing gear types
- *Resource* (e.g. sport/commercial red drum) Conflicts between users over allocation issues
- *Space* (e.g. pots/sailboats, homeowners and nets, shellfish lease issues) Conflicts between users vying for same area; sometimes a navigational, allocation, and/or public trust issue
- *Perceptual/aesthetic* (menhaden/beach communities, piers/nets) Conflict deriving from one party perceiving damaging qualities of another

## WHO MEDIATES?

- The Mediation Center of Eastern Carolina in Greenville mediates disputes in counties from Pamlico County north.
- The ADR Center in Wilmington handles fisheries cases from Craven and Carteret counties south.
- Mediators have been trained to handle fisheries-related disputes and are certified by the Mediation Network of North Carolina.



Photo credit: Paul Stephen

## PATHWAYS TO MEDIATION

- Fisheries Management Section Chief
- Formal petition to the Marine Fisheries Commission
- Advisory committees
- Rules Advisory Team (RAT)
- Field offices personnel
- Headquarters personnel
- District managers
- Marine Patrol captains

## MEDIATION REFERRALS

- Referrals are generated via open lines of communication through normal division structure.
- The Fisheries Management (FM) Section Chief is the NCDMF mediation liaison and works directly with the mediation centers.
- All referrals must ultimately be channeled through the FM Section Chief.
- See *DMF Marine Fisheries Mediation Standard Operating Procedures* for more detailed information.

