Interview

With

JESS HAWKINS

In

Morehead City,

North Carolina

Interviewed by Barbara Garrity-Blake

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Transcribed by Mary Williford

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0:57:18 A very recent issue where a Judge ruled that the Marine Fisheries Commission overstepped their duties while utilizing the emergency supplement maneuver to regulate southern flounder

BARBARA GARRITY-BLAKE: Great. Alright. I'm Barbara Garrity-Blake and I am talking to Mister Jess Hawkins here at his home in Morehead City. It is October 7th, 2016 and this is the Sea Grant, Fisheries Reform Act oral history project. So thank you, Jess, for agreeing to do this.

JESS HAWKINS: You're welcome.

BGB: So Jess, for those listeners who have no idea who you are, can you just start off by telling me where you grew up and how you came to be involved with fisheries?

JH: I'd be glad to. I was born and raised in a little town called Bath, which is north of here, Morehead City. It's the oldest town in the state and I grew up fishing and hunting and had a love for outdoors life and fish and so, went to school to become a Marine Biologist. And so, ended up working for what's called the North Carolina Division of Marine Fisheries, and I was a Fisheries Biologist, a Marine Biologist with them, and started a career working in a town called The Original Washington, Little Washington, and worked there for some years--was transferred down to Morehead City and became less of a Field Biologist versus an Administrator, and worked there the final fifteen, sixteen years of my career here in Morehead City. The last part of my career, I was called the Marine Fisheries Commission Liaison. The Marine Fisheries Commission makes the laws or the rules for the state of North Carolina concerning coastal fisheries, and I was that contact person for the Division and that Commission. And that's how I became involved in the Fisheries Reform Act, in that the Fisheries Reform Act addressed, or re-organized the Commission, empowered that Commission with different duties, and so I was, fortunately, involved in development of the Fisheries Reform Act, and the study was called the Moratorium Steering Committee, which studied how to re-organize the governance structure for managing coastal fisheries in North Carolina.

BGB: Great. Well, can you tell us what was going on in the mid-1990s to even bring about this effort?

JH: Yeah, and actually I started my career in the Division [of Marine Fisheries] in 1978, and as interest in fisheries--let me back up a little bit--fisheries in North Carolina are very, um, important to the cultural fabric of the state, and they're very important, economically, and then of course, we're a unique state, biologically. We have a lot of different types of fish species; we have the largest estuary in our state, so there were a lot of fisheries issues were starting to come to the forefront in the late [19]70s and '80s, and the way the Division dealt with them, I was fortunate--or unfortunate--enough to work for nine Directors for the Division of Marine Fisheries. And the Division of Marine Fisheries is a scientific arm, or the management arm, and they also enforce the rules that the [Marine Fisheries] Commission passes. The Division, like I said, was going through Directors pretty frequently, 'cause the issues were very intense, and the issues were complex, in some cases. And so in the [19]80s, we had a lot of issues coming to the forefront and we were going through Directors pretty well. The Commission was re-organized one time, the Governor removed all the Commission members, so a lot of contentious nature between the--people that were interested in the environment, people that were interested in commercial fishing, and somewhat with recreational fishing. Recreational fishing really started organized groups, started coming together in the 1990s, but in the '80s, those issues came to a forefront and we realized that we probably needed to come to a different way of dealing with those issues, maybe have a different structure.

BGB: M hm. So, do you remember anything specifically that was going on that caused our Governor and Legislature to come together and say, 'Okay, no more fishing licenses until we study this'?

JH: Well what happened is, we had leadership--again, I worked for nine Directors and I worked for four Governors and multiple, I worked with multiple Marine Fisheries Commission Chairmen--and leadership is a key thing, as you know, Barbara, opportunities--if opportunity comes along, one has to be able to see that opportunity and try to seize it. It was like, where we had a Director that had a lot of experience and had a very good heart, and then we had a Chairman that also did not know a lot about fisheries, but had strong leadership skills, in my opinion, and wanted to make fisheries better in our state, and he had very strong political ties with the Governor at the time, which was Governor James Hunt, Jim Hunt. He and the Director decided that we just need to stop, take a breath. And so that's why they decided to put a freeze on the licenses, and this was in the 1990s. And the main issues that were going on then, Barbara, what I remember, were menhaden fishing, people, some of the folks did not like the vision of seeing menhaden boats off their ocean waters, some towns had passed regulations banning gill nets--which they did not have the authority to do--and the counsel for the [Marine Fisheries] Commission and the Division [of Marine Fisheries] informed them of that. So we had a whole series of issues. Our crab fishery was going on very strong and there were a lot of conflict and competition issues in that; we had a crab license at the time, we had a whole series of licenses. So those two leaders and, of course, the Governor, then of course the General Assembly, they were able to convince that we needed to put a freeze on the licenses, and then those two leaders found it be best to convene a group of people that had strong interest in our fisheries and how they were being managed and the conservation of fish, and so they formed what's called a Moratorium Steering Committee, and you [Barbara] were part of that, as you know, and a lot of people I had to--I was blessed to be able to meet, they were on that committee. And they met intensely for two years and, talking about the whole, every issue that our Director, Doctor Bill

Hogarth had heard, that the Chairman had heard, and these members of the Moratorium Steering Committee.

BGB: I'm sorry, who was the Chairman at the time?

JH: The Chairman was Bob Lucas.

BGB: Oh! Okay. Of course.

JH: Yeah, and Bob Lucas, again, realized very quickly with his leadership and--again, in my opinion, humble opinion--is that we needed to look at things a little bit differently, 'cause he had had experience fishing recreationally, but he hadn't been involved in a lot of the contentious issues that involved small-scale fisheries and the conflict between commercial fishermen, and so he thought it'd be a good idea, and he developed a good friendship with a person named Jule Wheatly, who had owned a menhaden fishing company, and that was one of our largest fisheries if not the largest fishery in our state for many, many, many years, as you know. And then there were whole series of other people on that Moratorium Steering Committee that had served on the Commission--the Marine Fisheries Commission--had had experience with the Marine Fisheries Commission and the Division [of Marine Fisheries], so it was a great group of people.

BGB: That was an unlikely friendship, in a way, between the commercial representative being Jule Wheatly and then Bob Lucas, who's an attorney from upstate and a recreational fisherman!

JH: Very much, very much so! Bob was from the Selma area and Jule Wheatley had grown up here in Beaufort and his family is very, very well-known in the area. It was an interesting, ah, friendship that they developed. And they, again, that's where, talk about leadership: they had a vision, and I'm sure Jule, I didn't know Jule as well personally as I knew Bob, but I'm sure he took a lot of criticism from the people he knew in the commercial fishing

industry about the freeze on the licenses and about the things that were recommended, so again, it speaks--to me, Jule's involvement and his interest in trying to do something better speaks to his leadership ability. So.

BGB: Yeah. So during the process of the Moratorium Steering Committee, what was that like for you? What were you doing?

JH: It was very exciting! What I was doing, I was acting Marine Fisheries Commission Liaison, as the state works, they weren't paying me for that, so I was a District Manager in Little Washington, so I was doing two jobs and also being involved in this, in these issues. For better or worse, I think the strength of my abilities is to care and to work hard, to try to address things you care about. That was one of the reasons why I did not go to another state, did not work on my--I probably should've gone and get my Doctorate but I wanted to stay here. I stuck with the Division of Marine Fisheries; a lot of people that were hired with me that were very, a lot more intelligent than me, they moved along to higher-paying jobs and more, ah, areas where they could publish their science. So I was one of the few that were left! And I saw this as a wonderful opportunity and Doctor Hogarth, or Bill, saw that, 'cause he allowed me freedom to work on that, and then Bob saw that and he asked Lucas, I mean--Bob asked Bill, could I serve as M.F.C. [Marine Fisheries Commission] Liaison and there was no position to that ability and he wanted someone that the Commission could contact daily and deal with the issues, so I was right in the middle of all of it. Thank the Lord I was younger at the time! Of course, I did have a family and you're trying to balance all that, but it required a lot of travel, as you know, you [Barbara] went to a lot of the meetings, and it required keeping up--they had various subcommittees and I was fortunate, I knew the Chairs of each of those subcommittees and I knew a little bit about a lot of the issues, I knew a little bit about the issues they were dealing with, which were extensive. And

I had freedom to give input to a lot of those people, and I guess they respected my input, ‘cause a lot of those ideas were incorporated. So it was a very exciting time ‘cause you felt like you were making your state a better state, and you were trying to do something to make it better for the people that utilized the resource, both recreational and commercial fishermen, make it better for the fish, and make it better for the tax payers in having a fair and accountable system to manage those resources.

BGB: So, here we are twenty years later! Fisheries Reform Act was passed in 1997; time flies.

JH: It does. And I’m retired, thank the Lord. [LAUGHTER]

BGB: Yes!

JH: That’s right: I’m too old for that!

BGB: The Fisheries Reform Act, to me, was very much, in a way--you were so central through the whole thing, not only the moratorium process but the results of the Fisheries Reform Act and the legislation and the restructuring of how we manage our fisheries. You continue to be the liaison between the [Marine Fisheries] Commission and the Division [of Marine Fisheries]. So--?

JH: They actually turned it into a job where I got paid for it, so that was unusual for the state! Doctor Hogarth, unfortunately, moved on and we had a new Director, and we had an acting Director during some time, but I was able, had the honor to work very closely with Bob and all the Commissioners. It reduced the [Marine Fisheries] Commission from seventeen to nine, and so I would communicate daily with the Chairman, I’d give him an update, and then I communicated at least weekly with all the Commissioners, and it created an input structure for the Commission, all these advisory committees, and so you had regional, four regional advisory

committees, you had four standing subject committees, which they were based on like, finfish and shellfish and crustacean and water quality. So what happened is, that study was proposed to the General Assembly and Bob [Lucas] was able to help navigate that through the General Assembly, as was other people that had political connections such as Jule [Wheatly] and other people on the Moratorium, and it pretty much got--the whole Moratorium Steering Committee recommendations, all of them got implemented except the saltwater license, which was very, very, very unusual. Senate leadership at the time, Doctor--I mean, Senator Marc Basnight was very, very powerful political leader in the state, you know, his constituents and he felt it would be good for our state, as did the Governor, as did the Speaker of the House, so it all got passed except the saltwater license, and they gave the Commission the ability to study that more and try to get that implemented, and then later on, that also got passed, several years later. So the whole, I'd be willing to say, almost all of the proposals by the Moratorium Steering Committee were implemented by legislation, which was so exciting 'cause you had some of the politicians that I work with, they talked about a new day when new Governors would come in, and this was indeed a new day! And you had nine Commissioners, there were slots assigned to the Commissioners, you had where three of them would be with the commercial, representing the commercial sector, three for recreational sector, two at-large, and one Scientist, so it was meant to be where nobody could dominate, no one group could dominate the [Marine Fisheries] Commission. We had a lot of debate about the number: nine seemed to be a functional number, where you'd have adequate input, and then you had all these advisors that we got to develop a process and create from ground zero, because in some cases, Chairmen of the Commission, they had the ability to have advisory committees but it might meet once a year based on a crisis or based on an issue that the Division [of Marine Fisheries] brought forward. There was no

deliberative process; it would be, bring the issue in front of them and have one meeting and you might have, if it's a contentious meeting, contentious issue, you might have 200, 300, 600 people there and you're trying to get input from the emotional, the emotional situation, and so it was just very hard, so you're trying to figure out what is the right thing to do through the emotion, and so we just needed a new process. And we were able to create that. So with the Commission's help and the Division's help--'cause they gave me, the Director gave me an open ticket, he said, 'Go and do the Fisheries Reform Act!' So we did, and it was very, very exciting. Looking back over it now, it was amazing how much was able to be done, 'cause I'd go to 120-some meetings a year and thank the Lord that my wife was understanding enough and that I loved what I did and I loved working for the people of the state and loved trying to make things better, and she was understanding. So we're still, luckily, married! Blessfully married, to this day! And it went like that, from 1977 'til the day I retired in 19--ah, in 2006. It was hundreds of meetings a year and met great people. I remember Bob [Lucas] looking me in the eye and saying, you know, I was hesitant about it all at the time and the travel, and he said, 'Just think about all the amazing people that you'll meet.' And he was right, and then he said, 'Just think about all the good you can do.' And I don't know about all the good, but we had the opportunity, and I feel good about what those Commission members did, the public service they provided to the state, and feel good about those advisors, the time they provided to our state, and I feel great about my career. I feel like I gave something back to the citizens and to my family, you know, which is such a wonderful state.

BGB: Yeah, and you just inspired me to interject that Jess, you are the recipient of the Governor's Long Leaf award--am I saying that correctly? The Long Leaf--?

JH: The Long Leaf Pine Award.

BGB: The Long Leaf Pine Award, so that's really something.

JH: Yep, and I had citizens that--that didn't come from the Division [of Marine Fisheries]; that came from citizens. Usually the Division will recommend that and it's not meant to be derogative of the Division, but that came from citizens that I'd met. They also nominated me as Conservationist of the Year, and I got the Conservationist of the Year by the Wildlife Federation. So you meet just some amazing people. Now don't get me wrong, you meet some people that aren't very nice and try to intimidate you or use their money or influence to steer things in a way, so you get to see the bad side of people, but you also get to see the wonderful side. And then when things are done where people might have faith in their government, it's so rewarding.

BGB: Yeah. I also noticed, having been involved on the [Marine Fisheries] Commission and whatnot, fisheries politics, I've often noted that some people who get into marine science probably find themselves having to deal with people more than they thought they ever would have to when they entered grad school! [Laughs] Some people just don't have the people skills.

JH: That's very true, Barbara. In fact, I saw a transition from when I was hired. I thank the Lord that the Director at the time, Connell Purvis, recognized that I had a good work ethic, that I was--hopefully--he thought I was honest and I do believe I try to be as honest and have integrity as often as I can, and that I would work hard, but that my scientific skills, you know, there were people that were a lot smarter and still that's the case, but he wanted people, he wanted staff that would go out and meet with fishermen, meet with environmental people, and I enjoyed that part. As I stayed with the Division for thirty years, they hired a lot of talented people, very, very, very smart, but they did not enjoy going out and talking to people. And that is a deficiency. I'm fortunate now that I'm able to teach; I've been blessed to be able to teach at

Duke Marine Lab, marine fisheries ecology, how we conserve, how our country or how our state conserves marine resources. And then I was able, the last two years, I've been teaching at N.C. State [University], the marine lab down here, and what I strive to tell those students is the things that I had to learn the hard way or that my parents had taught me or through leaders that I admire, is that everything's a judgment call. Like Orbach, Mike Orbach who was on the Moratorium Steering, he said, 'Every time you make a decision, it's a trade-off.' And I agree with that one hundred percent; very seldom are things certain; you have to decide what is the likelihood of that being right, 'cause science is not certain. Only a very arrogant person indicates that it is certain, especially in the fish world; fish come and move and they're under the water. And then you have to make a judgement about that science. So the judgement, then, has nothing to do with science; it's just whether it is right, is it wrong, is it just, is it unjust? And that's what the social aspects come from, and I wasn't trained in that, I learned a lot from people like you and from people like Orbach and people at E.C.U. [Eastern Carolina University], they had a lot of Anthropologists there I'd listen to, and then you just learn, you watch leadership skills from people that were judges on our advisory committees, that judge whether people live or die, so you watch their character and you watch how they make decisions. I'm a good leach, so you try to take some of those qualities and put 'em into your portfolio and hopefully that makes you grow as a person and make better decisions. So you're right, and you see different Commissioners, you know, we had Commissioners that sometimes, before they re-organized, they'd fall asleep during the meeting! Or they'd read the paper while the meeting's going on, when you're deciding whether to allow someone to fish or not fish. You know, that is not good leadership. At all.

BGB: [Laughs] And I'm sure you have some stories you could tell!

JH: Yeah, you and I've talked many times about putting a book together; there are some good stories that I won't repeat for the public!

BGB: But, you know, you do have exceptional people skills, and I've seen you in action and I've seen some very heated meetings, Advisory Committee meetings where you just had a knack for kind of bringing the energy down and defusing what could have become, you know, difficult or ugly. So if you were talking to a fresh-faced young person getting ready to enter the world of fisheries management, what advice would you give them regarding people skills and dealing with conflicts between stakeholders and meetings and that sort of situation?

JH: Well one is, always present yourself in humility. Don't act like you know everything, even though scientifically you might know more than what the layperson does not, in terms of how to conserve that fish and what tools are you using to conserve it. But one: be humble, and two: listen before you speak. Learn to listen--and that just comes with age [laughs] as you and I probably know. I don't know what the term would be in a sociological sense, but listen. And then care; try to care. Don't become so hard-hearted or cold-hearted that you don't care, 'cause if you don't care and you're a public servant, you work for the tax payers, I don't know how you can do your job. And then if you're in the university and you're trying to learn and you don't care, I don't know how you can learn, because the learning is a façade. And so, that's the key thing: humility and listen and--those are two strong attributes. Now, if you're a public servant, you're working for the government, is any bit of progress is good. I've also learned that. So if you can get agreement--not even a concession, just agreement--on some contentious issue, that is good, even if nothing can be done, even if nothing is done about it. So you measure progress. Many days I'd go home, my stomach's churning or I want to take the baseball bat outside and hit a tree, you try to think back and you think about, was there progress? And if there was just an inch of

progress, that was still progress. It was a good day. ‘Cause a lot of my peers, they ended up leaving because they could not accept the slow pace of things. And that frustrates a lot of people like Bob Lucas and I’m sure Jule Wheatly, they’re very decisive men and they’re leaders of their companies and you make a decision, they go with it. So when somebody comes from a business that they own, the state system is very, can be very, very, very frustrating. So if you’re coming in as a young Biologist and you go ‘well why can’t we do this?’ and you have to put it into context. And again, if you put it in the context of ‘there was progress made forward’, then that was a good day.

BGB: Wow. That’s great.

JH: Well, I don’t know. ‘Cause younger people tend to be less patient than us that are, have gray hair--at least I have gray hair in my head--and then you know, they’re training the people a lot better, Barbara, in terms of technical skills and how to monitor natural resources, and so they’re getting more technical training in statistics and math and a lot of it has turned away from, is more empirical information. And so, with your background--. And then, the federal government has recognized, they’re trying to do better with that. The state, unfortunately, in recent years, have moved away from some of that.

BGB: M hm. So, do you think the Fisheries Reform Act has worked?

JH: Yes. It worked, it worked, I think, very well. I’m supposed to be humble, but I think it worked very well up until the late 2000s. That’s where the leadership comes in; you have to have a strong Chairman and the Chairman usually comes and goes with the Governor, ‘cause the Governor appoints all the members of the [Marine Fisheries] Commission and also the leadership, changing with the Directors. The last Director I worked for, Preston Pate, was probably the smartest Director that I had ever worked with in terms of intelligence, and he was--

when he told people that ‘this is what was gonna, they were gonna try to do’, that was what was gonna be tried to be done. And he also gave me complete freedom to help with the Commission ‘cause he realized how much it took; it allowed him to focus on things with the Division [of Marine Fisheries] and also federal agencies. And so as leadership changed, the situation changed, and here recent years, I don’t think the Fisheries Reform Act is not fulfilling what its visionaries had intended it to be.

BGB: So what changed?

JH: The leadership at the Division convinced the General Assembly to eliminate a fair amount of the advisory committees. And there was always a paradox with the Division; some people didn’t want to go to meetings just like you talked about, people, some people do not like to converse with people in intense situations. So these people work, usually an eight-hour day during the day, then they have to go to a meeting, and a lot of people didn’t like that in the Division. And so, and it cost a little bit of money; they used the money as the main reason for decreasing it ‘cause the state was going through tough budgetary times, but most of the people, when I work with them, they have been willing to go to a meeting without getting paid. And they were paid only fourteen dollars a night, and so it’s--not to belittle that amount, but they would serve the state as an advisor even if you didn’t pay ‘em anything. So that was a façade; that was not true. And so they eliminated a lot of the advisory committees. The [Marine Fisheries] Commission quit utilizing the advisory committees on advice unless they were have to. The committees quit meeting frequently to try to be progressive and proactive on dealing with issues; they became reactive, so they only would meet when the Division had an issue or the Commission had an issue that they wanted advice for or were made to have advice for, ‘cause F.M.P.s, the statute still required that the, ah, regional committees have to review an F.M.P.--a

Fisheries Management Plan, which was a planning document that was mandated by the Fisheries Reform Act, which brings the science, all the science we know about a species into one document and then it talks about the management and conservation policy, and the recommendations for that. So I think the F.M.P. advisory committees, they're also advisory committees set up to work specifically on a Fisheries Management Plan, I think those are still functioning okay 'cause they're mandated by law, but the other committee structure is pretty much not being utilized nearly as much as it was when it was first set up. And then the Commission--it's not required that they listen to the advisory committees 'cause it is just advice, but when I would talk to Commissioners, you know, I strive very hard to make sure they give that due consideration, that they make sure that they read those memos or that I'll be glad to recite to them what the advisory committees did, but they give that consideration so those people don't think they wasted their time. In fact, we used to try to get the regional committee co-chairs and the standing committee co-chairs to come and give the reports and, of course, it's a difficult setting for them because they're usually fishermen or--a scientist would be more at ease doing that, but a fisherman would get in front of that body and explain to them what his or her committee did, so [laughs] sometimes they weren't real happy with that.

BGB: Who wasn't real happy with that?

JH: Sometimes the advisory chairs wouldn't be happy with having to give a report in front of nine people and lawyers and the Director, and so they were nervous.

BGB: Yeah, that's kind of an intimidating environment.

JH: Yeah, it's intimidating. And then trying to recall what they did, and so I'd do the minutes or my staff would do the minutes, so anyway, that's a lot of that. And then the [Marine Fisheries] Commission, current Commission, they are moving forward on issues without even

consulting advisory committees, and they have the power to do so but that was clearly not the intent of the Fisheries Reform Act. Clearly. And we had a big debate during the Moratorium Steering Committee as to who should appoint the Commissioners and right now, that power lies solely with the Governor. It was a debate, a serious debate if you remember, about, 'should there be three members from the Senator *pro tem* and three members from the Speaker of the House and three members from the Governor?' And Governor [James B.] Hunt at the time said that he cared about our fisheries and he's willing to bear that sole responsibility, so he was willing to accept that. People might agree to disagree that the members were not good members, but I tell you, all those members went to the meetings, all those members were engaged, and all those members wanted to be involved in the process. So I might disagree with the way they did it, but I tell you that every one of them, even if I disagree with their position, they were involved.

BGB: And I also remember that a huge emphasis on balance and what should the makeup of the Commission be. So do you think--do you think that's worked? Is it balanced?

JH: The current Commission makeup is not balanced, so people have been put in at-large slots that seem to [pause] be, that seem to favor consistently or be aggressive in not being, ah, middle of the road. And so, and then it's very difficult to find commercial fishermen that can afford to come to the meetings and so there's one commercial--two commercial fishermen and one that's involved in industry, so it's easier to find a dealer that runs the business, that can represent the business aspects, but it's very hard to find commercial fishermen, that need to be on the water, being willing to take the time to come to the meetings, to represent that aspect. And so I don't see the balance. The science, the Scientist was meant to be, you know, a person that was--take the numbers and look at what they know about the animal or the fish and help the Commission determine that, and I do not see that happening now. And that's unfortunate, yeah.

So there's discussions going on now about doing away with the Commission 'cause, back when we had the Moratorium Steering Committees, when we--some states do not have commissions; they do it strictly through the political route of the General Assembly. Or the General Assembly will give the Director executive power, and I thought this was--as did the Moratorium Steering Committee--that this was a balance. So you have a Division [of Marine Fisheries] and Division Director that would recommend things to a citizen body; the citizen body would not be so large, it would be nine people and they would represent various user groups; they would perform a balanced and a due diligence duty to take the information and make the best decisions for our state. And I do not see that happening, unfortunately, in recent years. And that's why you see, in my opinion, that's why you see a lot of the intensity mainly between recreational and commercial fishermen, and it's not all recreational fishermen 'cause I'm a recreational fisherman even though some people say that I am not! That is my main hobby, and I don't see the consumer, and I don't see the regular recreational fishermen getting a lot of representation from the current Commission makeup.

BGB: What do you mean by 'regular recreational fishermen'?

JH: Somebody that likes to catch, that goes out and catch fish on their own, they like to eat some of the fish that they like to catch.

BGB: As opposed to what kind of recreational fishermen?

JH: Someone that might come down and pay a charter boat captain in-shore to go catch a red drum or to catch a speckled trout or to catch an albacore. Or they come down on weekend and, you know, they're good. Some of them are good at what they do. But you have a whole, whole lot of people that fish for spot with two-hook bottom rigs and they love to catch and they love to catch and eat those fish, and I don't see a lot of representation from those, for those

people, in the last four years of deliberations by the [Marine Fisheries] Commission. And the consumer, the same thing: we have 10,000,000 in our state and there's a lot a lot of discussion by the Commission about providing a seafood product to consumers, even though there's only 5,000 or so commercial fishermen that are licensed. You don't hear the Commission talk about the role of the fishermen in providing a product to people that don't have a boat to fish, catch fish with a hook or a line, and bring it back, or can't afford to pay someone to do that. And so--that's probably, there's 1.8 million recreational anglers, I think, so that's 9,000,000 people that are consumers, which is the majority, by far, ninety percent of our population. So you don't hear the Commission talk about that at all. At all. About bringing a product, except sometimes from the commercial members.

BGB: M hm. So do you--yeah. You could say, that could be like a food security issue, right? Or a consumer issue, or--?

JH: Well it's definitely a consumer issue! And it's also a health issue, 'cause eating seafood is good for you. It's also a domestic issue in the sense of, you know, I would prefer to eat a local seafood product than a product that comes from abroad. We're the second-highest consumer of seafood in the world; we're the most affluential society that consumes seafood in the world, and eighty, ninety percent of our seafood's imported. So it doesn't make sense to me, when you have a product here that people, we know how they're caught, they're supposed to be managed for sustainability, if they're raised in a farm somewhere we know what kind of chemicals are used to feed those fish, to help those fish grow while, if they're raised abroad, you do not know that. So if I'm a person that is in charge of, like, Commerce, I would prefer to have fish that's provided here locally. Plus, what you're providing to the local economy, 'cause most of our fishermen are small businesspeople; they're not giant corporations, and so they contribute

to their communities, economically. I don't know much about economics, but I just know that they do, they buy stuff locally if they can here and there same thing with the regular recreational fishermen. He comes down and brings his boat or he buys a little boat here and he'll go out fishing whenever he can and brings his fish back to eat with his family or he provides it to his church or his civic group for fish fries. And that's what I call the 'regular' recreational fisherman.

BGB: Okay. So, Jess, what would you like to see happen moving forward in the way we manage our fisheries in North Carolina?

JH: I'd love to see the emphasis where the leadership of our state re-emphasize the advisory committees. They aren't costly; they are a burden to the staff, if the staff of the Division of Marine Fisheries, then they need more staff, then maybe the General Assembly could provide that. But I--for many years, I did it with the staff that they have now, so it is do-able. I'd like to see that reformulated and have four regional--our state is way too diverse to have two regional advisory committees. They have a north and a south, and then the folks that are inland, which are a lot of recreational fishermen inland. There are some people that come down here during the weekends to fish commercially that have a commercial license, but by far we have tremendous numbers of recreational fishermen inland and they need to be represented and not have to go to a meeting in Wilmington or Morehead [City] when they're in the Asheboro, Greensboro, Burlington area. So they need to have, they need to reinstitute those committees so they have four regional committees. And our state is so long, coastal-wise, I mean you go from Knotts Island to Calabash, it'll take you almost a day! And these are people that are volunteering their time. And then I would make those active again; I would require, if the Chairman could do that, he could say 'you will meet in between each Commission meeting'. They need to have their Water Quality Habitat Committee meeting; they haven't met in a long, long, long time! This

commission is one of the few commissions that has the ability to comment on permits for the state, and it's the only commission that has the ability to comment on permits for the state. So they have chose not to utilize that authority, and they are not meeting. They are not discussing habitat, water quality. For example, spotted sea trout, the Division [of Marine Fisheries] felt it was all due to overfishing and the new science from N.C. State [University], they felt that natural mortality, *i.e.*, what is going on in the water that would happen naturally is affecting the population a lot more than what fishing is doing. So you need to have a habitat and water quality. I mean, what has happened to our river herring that they've been, a moratorium on fishing was placed on that fish in 2002, have yet to come back, so you know, is it habitat, is it water quality, is it fishing in northeastern states? We don't know! We do not know, but we do know, you still cannot fish for river herring, and that is one of our--and it's sad. And so something needs to be moving in the right direction. Again, recognizing it's the government, but there's no movement on that. There's none except from a federal level, and that's sad. The federal government is pursuing it, and it used to be, the structure we had, our system that we had here was more progressive than what the federal government has; now, the federal government system is more progressive than what the state has. Our state was looked upon as a system to replicate and, if I was another state now, I would not want to replicate the way we're doing it here. We're following examples like with, you know, game fish, banning this gear, banning that gear, further limiting effort when they're not even looking at data as to the fishing capacity. So there's people that want to redefine, like, commercial fishermen and what is the evidence that there needs to be a reduction in fishing capacity? I don't think they even looked at that! You know, so, and there's people out there--I'm not an expertise--but there's people out there that could help them with that, to have an objective discussion of that, just like the Moratorium Steering Committee did.

And so, I would say, I would not look at North Carolina, as to how they're doing things. I would look to other states. Or the federal government; the federal government is having town hall meetings where they discuss things, open forums. Another thing I neglected is, when you have a meeting and you limit people to two minutes or three minutes of discussion, that is not good government policy. Period. 'Cause these people pay your salary, these people have empowered you to manage that, and we had none of that when I was working with the Commission. None of that. Now, there does need to be limits, but these people, it's their resource, it's a public trust resource, it's just that we're blessed--I used to be blessed--to be able to try to manage that for them.

BGB: Yeah, so people could, more or less, say their piece, they didn't have to stay to this little time limit that they have now.

JH: That's exactly right. In fact, [Bob] Lucas, the Chairman, said, 'Well let's have a meeting the night before the [Marine Fisheries] Commission meeting, where people can come and just talk to us' like a town hall, like what our President does with town halls or candidates do or like other states do, like the federal government does. They have an open webi--webinar. And so they come in and just talk about the issues, what is on your mind. And there has to be some limit on that, of course, but the chair of the meeting can handle that if they're properly trained in parliamentary procedures, you know. Usually people are respectful if you talk to them respectfully, you say, 'well we need to move on', they recognize that! [Laughs] It's much like the church, you know. You go, 'well, just, we need to move on'. Most people, when you do it kindly and humbly, they will move on. But limiting them to two to three minutes for the sake of the convenience of the people that have the privilege of serving the people? It doesn't make any sense to me.

BGB: Yeah.

JH: And they do that--at a formal public hearing I can understand that, but you need to have opportunity where you try to get input, and with the lessening of the Committee meetings, that's even more important! How do people access their government to give input? Two minutes? Three minutes? So I don't think that's very responsible.

BGB: So do you think it's a matter of the leadership in fisheries just kind of taking the path of least resistance? You know, because it's just easier?

JH: Well, sometimes it appears it might be least resistance, whatever's the easiest, the easiest in terms not--it's like, the minimal you need to do to do what you're required to do, or politically, what you're required to do by statute or required to do by tradition. And then I think that is some of it, 'cause like the advisory committees' meeting only when they have issues and they put four issues on their agenda that are all contentious, and people have working for a living, whatever their job is, whether they're a recreational fisherman, they have a job and they come and they stay 'til eleven o'clock, twelve o'clock at night? That is not a responsible government. So you should have two meetings, and meet. Why that is? I'm not privy to that anymore. But I know it's not good for our state. I can say that emphatically: it is not good. And our fisheries? If you had a small coastline like Georgia or you had not very diverse fisheries like, ah, I guess it's hard to find an example, if you just worked on shrimp then you maybe could do it that way. But our fisheries are very diverse; the fishermen are diverse; user groups within the user groups are diverse just like we talked about our recreational fishermen: you have people that spend thousands of dollars a day to go out and catch mahi-mahi, you have people that spend hundreds of dollars a day that pay people to catch red drum, then you have people that have a fourteen foot, twenty horse[power] motor, outboard motor on the boat, they're going out trying

to catch sea mullet and spot. And you can do the same thing with the commercial fishermen: you got the small gill netter, you got a small oysterman, you've got small shrimp trawls, you got channel netters. So the diversity, to me, requires that you have to have frequent opportunities for input. 'Cause a lot of times you don't have agreement on the issues and that's even before you're getting to the issue, that's just the framework of where we live. You know. Then once you get to the issue, it even gets more complicated. Should you have--what should a crab pot limit be? Do you need a crab pot limit? And you'll get a whole array of answers, again, from Currituck to the Shallotte River.

BGB: Yeah! So I asked you what you would like to see happen going ahead; what do you think's actually happening or, you know, where do you think we'll be, say, twenty years from now, in our fisheries management and the health of our resources and fisheries?

JH: Unless things change and there is strong leadership and our General Assembly and/or our Governors be--make this a focus--we will be apt to lose a lot of our commercial fisheries because of the power of money and the power of numbers. And so, and to me that's very sad if it's not scientifically shown that you need to reduce fishing for a fish, commercially, if the science shows that, I'm willing to make, I would be willing to make a hard decision. The science is pretty good, the science should get better, the leadership will determine how they use that science. So if you have good leaders, you will extend the time, and you still might have fisheries where people catch fish to provide to consumers. I also, I do see hope in these, where the catch groups try to educate the consumer, and I see more of that at universities, I see more of that in the medical field, I see more of that in the retail, the food business, where people--there's a movement towards local. And I see that as the main hope for commercial fisheries throughout a country. 'Cause as I mentioned earlier, I would not want to buy imported seafood unless I had to.

BGB: What do you mean, you see that in the medical community?

JH: People are saying it's good to eat fish!

BGB: Mm, okay, gotcha.

JH: And so, you know, science indicates that--most science--and again, I'm not a Nutritionist--but the benefits of eating fish that provide omega-3 [fatty acids] outweigh eating fish that might have chemicals in 'em. So there were big mercury scares earlier, twenty years ago, and there's still--N.G.O.s, or non-governmental agencies, that still say you shouldn't eat fish in any certain amount 'cause it might have mercury, and they have these advisory committees, advisories that are put out, but most of the medical community indicate that, you know, as long as you eat it in a reasonable situation and you're not immunosuppressed, it's good for you. So most of what I read and see and hear is that eating fish is good for you, and it will keep your heart pumping and help keep your body strong. So I see the health group, you know, health field actually getting involved in that. And so that is, looking down the road, I see that as a potential. And as universities and these different consumer groups, if they stay focused on that, that will help. Otherwise, it'll be very difficult for the commercial fisheries, 'cause there'll be people that will, for example, right now, a lot of people do not like gill nets in our state. Gill nets will be talked about unless strong leadership occurs and education, strong education occurs, as to the positives and negatives of that. And the same thing with trawling, shrimp trawling, you know shrimp trawling is one of our biggest, most valuable economic fisheries; however, they do catch small fish. And during my career in the Division [of Marine Fisheries], rather than argue about how many small fish they catch, we decided to work with fishermen to maximize the reduction of small fish in the shrimp catches, and so we were the first state to require finfish excluders, and they do work. And here recently, I'm encouraged that there has been more research and they've

actually increased the efficiencies of those. And so that's the kind of things, if those continue to happen, then I see the future having commercial fisheries in our state. And we will see more of an emphasis on farm-raised shellfish, because that is an economic opportunity, and as long as we keep our water clean, that's why it's important to have a Habitat and Water Quality Committee because shellfish are very susceptible to bad water quality. You'll see that grow, 'cause people love to eat oysters and clams, and hopefully our other fisheries will also be able to keep going. It won't be due to the lack of sustainability, because we have--if our leaders are responsible, we have the science to try to determine sustainability. The federal government is mandated, so you'll see fish species that are caught from three miles offshore, they will hopefully continue to rebound or continue to not be overfished, and hopefully you'll see that in our state, too, 'cause all the fishery management plans that we've done are supposed to stop overfishing and to remove a fish from the overfished status. So that, there's hope on that. The politics of money and greed are very strong.

BGB: Do you see any hope in bringing commercial and recreational fishermen together as allies, as opposed to [laugh] being on oppo--in opposite fox holes, as they seem to be so often?

JH: Yes, 'cause the regular recreational fishermen, they are generally supportive of people that want to go out and catch fish to sell. And so there are problems, but it's not the extreme, as what the extreme recreational fishermen would convey, just like you have extreme commercial fishermen that say that they need to catch all, any time they want, and don't put any restrictions on these. I don't run into those as much anymore; I used to run into those in my career, but the people I talk to now are willing to accept a reasonable management measure that allow them, that keep the resource and trying to catch sustainable. 'Cause it's in their benefit, from a business standpoint, even if they didn't have any stewardship ethic. But most of them do have a

stewardship ethic because they realize that, if they don't, they might not be able to work next week or next year or five years now, so to me, they have--a lot of the commercial fishermen that I know have a stewardship ethic. Same thing with recreational fishermen: the regular recreational fishermen has that because he or she will want to come catch those fish. Now, there are people that are really, really vocal advocates on the internet and in media that say that fish should be for only one user group, fish should be for only for certain use. The Fisheries Reform Act was modified to allow what's called a supplement to the Fisheries Management Plans, and personally I do not feel that's necessary. That's supposed to be a quick fix, temporary thing, and I would, if you're gonna have a supplement, you still need to mandate, the statutes still need to mandate input somehow. It might be quicker and expedited if it's an emergency, and I'd have strong standards 'cause right now the only standard is that the Secretary signs off on it; it doesn't require the executive leaders to present to the Secretary information as to why the long-term viability of a fish is threatened or is needed for the supplement, 'cause that's such a big, big issue. So right now, based on what I've seen on the uses of supplements, I would not, that is not in the best interest of our state to have that. And so the [Marine Fisheries] Commission can act quickly, if they need to, on some things. Board of Directors usually has proclamation authority, that the Commission could have an emergency meeting and, if something has like, all the pinfish died or whatever, that they needed to do something to stop pinfish harvest.

BGB: Yeah, and there have been a--few cases in the past where the commercial fishing industry has filed a lawsuit against either the state or the federal government--

JH: That's correct.

BGB: --based on their belief that a fishery was not properly managed.

JH: Well, usually it was based on the science, like the three that I was involved with,

where the Division [MICROPHONE INTERFERENCE] where the Division actually joined in with the lawsuits with the commercial fishing groups and it was against the federal government over the misuse or the lack of science. And so we were successful in all three of those cases, and we've threatened lawsuits the state has with other states, where they wouldn't allow us to ship fish into those and it, in effect, affected the Commercial Clause of the Constitution. So again, we got the Governors involved and they were able to resolve it, even though the fisheries leaders of the other states weren't willing to work with North Carolina. The most recent one that I've been involved with is the use of--involved southern flounder, and it was the use of the supplement authority, by the [Marine Fisheries] Commission, to put very stringent measures on southern flounder fisheries in our state. Recently, a judge--just, in fact, just yesterday--a judge found that the Commission had acted in an arbitrary and capricious manner and is allowing a temporary restraining order, he's allowing that to continue through this fishing season, which is very, very, very unusual, that the Commission was found to be arbitrary and capricious in performing their duties. My experience with that is the science wasn't properly conveyed to the Commission, and the Commission did not seek that science, and the Commission chose to only utilize selected aspects of the science that was available. 'Cause there was a lot of data available to the Commission to make the decisions, and then they rejected--the Division did not provide a recommendation on the supplement, which--they should be the experts for our state regarding fisheries resources and stocks, the biological status of stocks, and the Commission did not ask for a recommendation from them and they didn't provide one. If I was still--and I have had the privilege of serving on the Commission--I would've asked for one from them, 'cause I would've wanted to know what they felt, even though I know my duties would've been separate from theirs, I still would've wanted to know what they thought, just like any reasonable person would.

BGB: So was the argument that the state was not properly using data to manage the fishery, or was it that they weren't properly following the process, or was it a combination of both?

JH: Combination of both; it was mainly, the main issue was is they did not utilize, convey to the Commission, all the information that they had available, and their interpretation of that data was not completely forthright. And then the Commission didn't question that, though; some Commissioners did, but the majority, which was usually a six-two or six-three vote when the commercial guys and gals voted against that, they decided to proceed on. And then part of it is not following the process; the supplement wasn't meant to be a quick-acting measure, a quick-acting action based on one management issue. They could use various measures to implement that measure, but what they passed was a whole array of issues. If they used that to supplement the prior F.M.P., which is what the supplement's supposed to do by law, and so they addressed issues such as ocean closures, such as gear modification, such as sustaining the resource, and so they in fact, in my opinion, passed an amendment, what would've been a substantial amendment, to the plan, as a supplement. And it didn't have any advisory committee input; they had one public meeting, hundreds of people attended. They had thousands of comments which, it looked like to me, went back to the old way of doing fisheries management in our state, before we had the Fisheries Reform Act. And the nine Commissioners, the majority of the Commissioners had predetermined where they wanted to go, 'cause they put measures on board that they proposed, they were so bold to put measures about banning certain types of commercial gear as a temporary measure, with science that was inconclusive or not showing that. And I was just happy that a judge, a reasonable and a [MICROPHONE INTERFERENCE] and an objective person found that that was true, that that didn't need to be the case. So for the first time in my forty

years of working on these kind of issues, a judge intervened and decided that the Commission did not responsibly fulfill its duties. And it's sad that it came to that, I mean, that's why it's very unfortunate, because that it came to that. It is.

BGB: It's doing it again, Jess.

JH: Okay.

BGB: So I'm just gonna end it there. So thank you for your time!

JH: Is it alright?

BGB: Yeah. I appreciate it.

[END OF INTERVIEW]