

**N.C. Division of Marine Fisheries – Habitat and Enhancement
Shellfish Lease and Aquaculture Program – Public Hearing**

July 18, 2024

Present: Zach Harrison – Habitat and Enhancement Section Chief
Stephen Johnson – Biologist 1 – Shellfish Lease Program
Marla Chuffo – Administrative Officer II – Shellfish Lease Program
Ashley Bishop – Marine Patrol Officer
Patricia Smith – Staff, Public Information Officer
Tina Moore – Staff, Southern District Manager, Fisheries Management

Online: Scottie Tripp – Staff
Elizabeth McCormick – Staff

Attendees:
Herman Styron, Ralph Brittingham, Samuel Styron, Adam Tyler
Meeting: 17 July 2024, 6:00-6:14 PM via in Person and WebEx for Carteret County
proposed shellfish lease. Location at Central District Office, 5285 Hwy 70 W,
Morehead City

Applicant(s): Herman Styron and Ralph Brittingham, Samuel Styron

I. Meeting

Zach: “Alright everybody I’ve got the time as 6:00 so I would like to call this public hearing to order. My name is Zach Harrison, and I am the I’m the Habitat and Enhancement Section Chief for the North Carolina Division of Marine Fisheries. I’ll be serving as the hearing officer tonight.

The purpose of this public hearing is to receive public comments on proposed shellfish leases in Carteret County. Site investigations by Division staff have determined that these proposed shellfish leases generally meet the standards for shellfish leasing under NC General Statutes and NC Marine Fisheries Commission rules. The Division director has authorized this hearing to receive public comments.

Tonight’s hearing is also being conducted virtually, so we have folks participating by telephone and through the WebEx virtual meeting application. PowerPoint slides presented tonight are also available on the Division’s website for those participating by telephone.

This hearing is being recorded and is a public record. All verbal comments, or written communications between members of the public body regarding the transaction of business during this meeting are deemed a public record.

This hearing is a formalized process where we only take public comment on the proposed shellfish leases that have been noticed in the Carteret News Times Newspaper on June 12th and 19th, 2024, and on the Division's website. No decisions will be made at tonight's hearing.

This hearing is also not a dialogue or forum. Any discussion or discourse should be held until after the meeting concludes. Written comments on these shellfish leases can be submitted to the Division by up to 5 PM tomorrow.

If you wish to speak tonight and are not already on the speakers list, you will get a chance to speak after we have gone through the registered speakers.

Now we will do a roll call of the folks participating on Webex or by phone. Please be advised, all participants will be recorded. Stephen has been taking attendance as people have signed into the meeting. He will now finalize that and go over the information on how to participate.”

Stephen: “Currently the only attendees I see online are staff.”

Zach: “OK, perfect. Alright, so, before we start with this, we are going to have a quick overview of the shellfish leasing process and where we are in that process and then we will move back to the public hearing. Okay, one moment, hang on, (technical difficulty). This looks like a different meeting, don't think it's the same one. (*While Ashley Bishop is attempting to fix the connection, Zach turns his laptop toward the audience and continues with the presentation, since there were only staff online.*) I am just going to turn this around (*referring to the laptop*) and we will do it this way for the current moment. Okay, so quick overview of shellfish leasing and the public comment period that we are at. So, shellfish lease basics. It's public trust waters leased for shellfish aquaculture. That's artificially propagated stocks reared in a controlled environment. And those leases are giving private rights to shell fishing in that area. So that's what is being potentially leased and that water is still navigable at everyone's own risk. So, anyone can still navigate through that water, but any damage to their gear to their equipment or the lease holder's equipment is on the owner. So, shellfish leases are governed by law and so they are primarily laid out in statutes and so our, the way our shellfish leasing is set up is primarily laws a few marine fisheries commission rules and the Director's decision following all of that. And so those laws can be found in North Carolina general statutes chapter 113, article 16. Those are all the changes to the shellfish leases encompassed in there and that's 26 session laws since 1997, 48 total changes including this year alone. So, the application process is complex, as you are all aware, and so we are here at the public comment portion. So, prior to this, and we'll add a

little bit of information on the shellfish lease investigation, there's marking poles and acreage covered, the biological, so SAV and natural shellfish and then that comes out as these investigations with quarter meter quadrat, patent tongs. Then they are also taking notice of navigation and depth and any structures nearby. They are not looking at public trust usage around that lease. So that's what public comment period is for. Evaluating compatibility and so we're looking to determine the effects on public trust usage, the direct impacts, and it is not a vote. The public comment is then collected both here at the public hearing and online and letters during the public comment period. Then we do additional outreach, for notification of these as well, including our website and our shellfish lease tool. So, the Director's decision, the entirety of the decision is determining the compatibility with public trust usage and so that includes those pieces of navigation, commercial fishing, recreational fishing or other recreation in that area. So the Director's decision can be approved, approved with conditions or denied. And so, the public comments that we are looking for would be, for example, if we have a shellfish lease in its entirety in Bogue Sound we are not looking for general water body comments, so something as big as that would not be applicable. We are looking for specific uses of that location. So, if we have a specific shellfish lease, public comment we are interested in is, something like "usage of that shoal for recreation, fishing on that area, recreating or boating, kayaking, specifically on that area. And with that, I will switch over to the shellfish lease public hearing.

[more discussion about technical issues with the presentation]

OK, so first we will go through the information for the proposed shellfish leases and I'll open comments to anyone who wishes to be heard. Then I will give each of the shellfish lease applicants an opportunity to speak. I'll call on commenters by name in the order they signed up to speak. With that, I'll read the information on the proposed shellfish leases. (*At this point the Power Point is now up on the wall monitor.*) The proposed shellfish leases are listed here. As a reminder . . . Perfect. Yea, as a reminder for all speakers this evening, please be courteous and respectful. If you are discourteous or disruptive, I'll ask you to leave.

So first, a 6.99 area shellfish water column lease applied for on July 12, 2022, by Cedar Island Oyster Company, LLC, Herman Styron and Ralph Brittingham, located in Cedar Island Bay. The management plan indicates the use of floating gear for the commercial production of oysters. Division staff conducted a site investigation on March 2, 2023, which found zero bushels of shellfish per acre and zero submerged aquatic vegetation, which I will refer to as SAV. Proposed leases that are Water Column only do not get sampled.

And lastly, a 4.42 acre shellfish bottom and water column lease applied for on July 21, 2023 by Cedar Island Oyster Company, LLC, Samuel Styron located in east North Bay. The

management plan indicates the use of floating gear for the commercial production of oysters. Division staff conducted a site investigation on September 25, 2023, which found zero bushels of shellfish per acre and zero SAV.

Now we will call on the public for comments on the proposed shellfish leases. When I call your name, please come up to the podium, state your name and organization you are representing, where you are from, which lease or leases you're commenting on, and your comments. Please direct your comments to me as a representative of the Division and not the audience. Your comments are being recorded through the microphone on the podium. If you do not speak directly into the microphone, we may not be able to accurately transcribe your remarks. You'll have three minutes to speak. I will hold up my finger when you have one minute remaining and my hand when you reach three minutes. If anyone has questions, staff and I will be happy to meet with you after the hearing. For those on WebEx, if you have any questions not pertaining to the leases mentioned tonight, please call or email us. Stephen will place our contact information in the chat for you or you can write it down from the last slide. Stephen, is there anyone on WebEx currently?"

Stephen: "No, it's still just staff."

Zach: "Okay. Perfect. Now I'll call an applicant to give them an opportunity to speak if they wish to speak on their proposed shellfish lease. This is not a requirement of the applicants. As a reminder, you'll have three minutes to speak. I will hold up my finger when you have one minute remaining and my hand when you reach three minutes. I would like to call on Herman Styron and Ralph Brittingham."

Herman Styron: "We have this lease site; it's my lease and I've had it for probably 15 years. We've tried to grow things on the bottom, we've purchased a hundred thousand seed clams, put it over there and lost them all. We put a quarter of a million out of Calico Creek overboard in there. It didn't work. So, in order to keep from having to give the lease up, we're going with a water column lease and it seems to be that's working. I mean, you know, we've got a two acres of the almost ten acres and I've got a sublease to my cousin. And we're using his lease jointly now. It seems to be working with the oysters and that's why we are applying for it and I appreciate you all having the public comment. Thank you."

Zach: "Thank you. I'd like to call on Samuel Styron to present their proposed shellfish lease."

Samuel Styron: Declined to speak.

Zach: “All right, thank you. Since there is no one else to comment on any of these proposed shellfish leases, I will close this public hearing. I’d like to thank you for your time and participation in this process. The time of closure is 6:14.”

Closure: 6:14 PM