

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

January 2, 2024

Present: Owen Mulvey-McFerron – Program Coordinator, Shellfish Lease Program
Eric Smith – Marine Patrol Officer

Attendees:

Willis Scott, Logan Mitcherlich, Adam Brinson, Kathy O’Steen, Tony O’Steen

Meeting: 20 December 2023, 6:01-6:10 PM via in Person for Pamlico County proposed shellfish lease. Location at Pamlico County Courthouse, 202 Main Street, Bayboro

Applicant(s): Adam Brinson, Flying Bluebill, LLC, Willis Scott

I. Meeting

Owen: “Alrighty folks, I’ve got the time as 6:01 so I’d like to call this shellfish leasing hearing to order. Unfortunately, I can’t get the projector any farther back which means this is as big as the slides are going to be. So, if you can’t see it, I’ve got some chairs up front. I’ve also got the maps over by the door if you’d like to examine those any more closely during the meeting.

So, my name is Owen Mulvey-McFerron, and I am the Shellfish Lease and Aquaculture Program Coordinator of the North Carolina Division of Marine Fisheries. I will be serving as the public hearing officer here this evening.

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

PowerPoint slides presented tonight are also on the Division’s website.

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

This hearing is a formalized process where we take public comment on the proposed shellfish leases that have been noticed in the Pamlico Daily News Newspaper on November 15th and 22nd, 2023, 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 hearing concludes. Written comments on the shellfish leases can be submitted to the Division up to 24 hours after the public hearing.

If you wish to speak tonight, you need to sign up on the speakers list we have by the door on your way in. If you are not already on the speakers list, I will ask if anyone else wishes to speak at the end of the meeting at which point you can provide comment and at that point I'll have you sign your name on the speakers list if you do change your mind.

As a reminder, no decisions will be made at tonight's hearing. All public comments received tonight and during the public comment period will be taken into consideration. I will give each of the shellfish lease applicants an opportunity to speak first, and then I will open comments to anyone else who wishes to be heard. I'll call commentators by name in the order in which they signed up to speak.

Comments from all speakers including the shellfish lease applicants should be limited to no more than three minutes. I will indicate when your time is up, at which point you return to your seat and we'll have the next speaker come up.

So, when I call you, please come to the podium, state your name if you're representing an organization, where you're from, and then which lease or leases you are commenting on, and your comments. Please direct your comments to me and not the rest of the audience.

These hearings are a little unique in the fact that your comments are being directed to the Director of the Division which I am here on behalf of this evening so when you are at the podium you can speak to me. I'll have the phone that's recording the comments up there as well to get a good record of what you are saying so we can record those comments and pass them on to the Director as effectively as possible.

As a reminder, please be courteous and respect all people that wish to speak. If you are discourteous or disruptive, I'll ask you to leave.

If anyone has questions about issues not related to the shellfish leases, I'll be hanging around after the meeting as long as is necessary to answer those questions.

So with that, I will present the information on the proposed shellfish leases:

We have two tonight. The first one is a 1.66-acre shellfish bottom lease applied for on July 18th, 2023, by Adam Brinson located in Bay River. The management plan indicates the use of cultch on-bottom for the commercial production of oysters.

Division staff conducted a site investigation on August 8th, 2023, which found zero bushels of shellfish per acre and zero submerged aquatic vegetation, which I will refer to as SAV.

Second, we have a 8.39-acre shellfish bottom and water column lease applied for on July 31st, 2023, by Flying Bluebill LLC, agent Willis Scott, located in Jones Bay. The management plan indicates the use of floating gear for the commercial production of oysters.

Division staff conducted a site investigation on September 20th and 21st, 2023, which

found zero bushels of shellfish per acre and zero SAV.

Now, I'll call on the applicants and give them an opportunity to speak, if they wish. This is not a requirement of the applicant. Please limit your comments to three minutes. Once your three minutes are up, we will move to the next speaker.

So first I will call on Adam Brinson to present on their proposed shellfish lease.

Alrighty. I'll leave that up there."

Adam Brinson: "Hi, I'm Adam Brinson and I'm applying for a shellfish lease on the Bay River. And I'm just starting out but I'm very excited about the opportunity and look forward to cooperating with all authorities that need to be answered to. That's it."

Owen: "Alright. Thank you. Next, I'll call on Willis Scott to present their proposed shellfish lease."

Willis Scott: "Yeah, I'm representing Flying Bluebill which is a group that we've formed. We do a lot of stuff that's for kid's groups and things of that nature. So, we were looking for something that we could do down here that would get kids out into nature and away from computers and everything else. And we saw some of the oyster farms along the bay and we looked into, we checked into that and saw it was an opportunity to not only provide an avenue for kids but also producing income which we are looking at it as an income product that we can reinvest in the island cause we're hoping to put a youth camp, small youth camp, on some property that we own there and we are looking to use the income from the oyster farm for that purpose. So, we selected that spot as a potential spot and had you guys look at it."

Owen: "Thank you very much. So, with that I'll call the first speaker. As a reminder you have three minutes per speaker and if you have any questions, I'll be happy to answer those after the hearing concludes. So, please state your name, where you are from, and then which lease you are speaking about this evening. I've got both of them up here for clarity. So, the first speaker I have is Tony O'Steen."

Tony O'Steen: "Good evening. Good to put a face to you. I kept talking to Chris Matteo and I didn't know, I was thinking you'd be a lot older but, nah I'm here representing, I'm on the lease with Jones Island with the gentleman here. I am a property owner on Jones Island next to their property and I am also representing the neighbors alongside me too. I'm not opposed to oystering. I'm not opposed to commercial fishermen. I'm a long-time commercial fisherman myself. But I'm concerned about the issues of restricting my ability, for future purposes of hunting. For my friends, my family, my kids, to be able to come back and hunt the property. And also, if I can't hunt or it handicaps my hunting then it also is going to influence the resale value of my property. I've got roughly almost 11 acres on Jones Bay in between some of these gentlemen's properties. And I'm concerned about what's going to happen in the future of my property. I know this lease runs across some of their land, but it doesn't run across their duck blind, their duck

hunting property where they've got their duck blinds and stuff. So, that's my concern. Like I said, I'm all for oyster farming, all for commercial fishing but it's, there's a bunch of dwellings along the bay along this stretch that people have homes and own these lands and I know I got property owners next to me that they've submitted, I think you've got seven or eight, there's seven or eight of them that are in a partnership, not to mention a couple of other landowners which are not here tonight but, these guys all grew up on the island and they're long time hunters, well these, next door they're not, but they're good people, they're fishermen, retail seafood dealers, and they're concerned about it also too. Uh, like I said, an oyster farm is not going to hurt ducks, that's not the problem. But you can't shoot a duck when somebody's out there in a boat trying to work an oyster farm. And you can't go in there and get a duck that's crippled or hurt. So, that's my thing, like I said it's, I've got a son, grandchildren coming up and, if something happens and I had to turn around and sell this place, now this place is a duck hunting paradise which is about the only value we have down there. I grew up there. Now my property value is going to come down because of this. So, that's where my concern is on it. Like I said, I'm not a... he's a great guy, Chris is a good neighbor. I've got no problem with them. But this... that's my concern and that's what I'm here to voice tonight. So, thank you."

Owen: "Thank you. Alright, so that's everybody that I had signed up to speak. Is there anybody else from the public that would like to make a comment this evening?"

Nothing heard.

Okay. Alright, well if no one else wishes to speak I will close this public hearing. I would like to thank everyone for their time and participation in the process. Time of closure is 6:10 PM."

Closure: 6:10 PM