

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

January 6, 2022

Present: Owen Mulvey-McFerron – Program Coordinator, Shellfish Lease Program

Teri Dane – Shellfish Lease Biologist

Marla Chuffo – Administrative Specialist I

Kathy Rawls - Staff

Dustin Walters – Staff

Scottie Tripp – Staff

Zach Harrison – Staff

Tina Moore - Staff

Elizabeth McCormick – Staff

Patricia Smith - Staff

Attendees:

Kimberly Watters, Stephen Boyette, David Menius, Michael (last name unknown)

Meeting: 5 January 2022, 6:00-6:09 PM via WebEx for New Hanover County proposed shellfish lease

Applicant(s): Kimberly Watters and Stephen Boyette

I. Meeting

At 6:00 pm the public hearing was called to order by Owen Mulvey-McFerron:

“I’d like to call this Shellfish Lease Public Hearing to order. 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 hearing officer tonight. Tonight’s hearing is being conducted in a new format to minimize personal contact, and to maximize social distancing protocols in order to promote public health concerns related to the COVID-19 pandemic. We have folks participating both by telephone and through the WebEx virtual meeting application. PowerPoint slides presented here on WebEx are also available on the division’s website for those participating by telephone. We would like to thank everyone participating in this adjusted format and appreciate your patience. Before we get started, we would like to explain how tonight’s hearing will work. Our first order will be a roll call to identify participants in these proceedings. Please be advised, all callers will be recorded. Patricia Smith will now go over the information on how to participate and will do the roll call.”

Patricia Smith gave instructions for the WebEx and telephone participation and then took roll call of the participants on the call. (The attendees are listed in the above section)

Owen Mulvey-McFerron continued with the following statement:

“Now I will go over important information for tonight’s hearing. No decisions will be made at tonight’s hearing. All public comment received tonight and during the comment period will be taken into consideration. Once the applicants have had an opportunity to speak, I will open comments to anyone else who wishes to be heard. I will call on commentators by name in the order in which they were listed during roll call.”

“The purpose of this public hearing is to receive public comment on one proposed shellfish lease in New Hanover County. Applicable investigations by division staff have determined that this proposed shellfish leases’ generally 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.”

“I will give each of the shellfish lease applicants an opportunity to speak first and then will open the floor for public comment on these proposed sites.”

“First, I would like to review some hearing guidelines with you.”

- “This hearing is held in compliance with SL 704 Section 4.31 PUBLIC BODIES/REMOTE MEETINGS DURING DECLARED EMERGENCIES”
- “This hearing is a formalized process where we take only public comment on proposed shellfish leases that have been noticed in The Star News newspaper on November 30th, December 9th, 2021, and January 4th, 2022, and on the division’s website.”
- “This hearing is being recorded and is a public record. All chats, instant messages, texts, or other written communications between members of the public body regarding the transaction of the public business during the remote meeting are deemed a public record”
- “Written comments on these shellfish leases can be submitted to the division up to 24 hours after the public hearing.”
- “Comments from all speakers including the shellfish lease applicants should be limited to no more than three minutes. If a speaker exceeds this timeframe, they will be asked to wrap up their remarks. Once you have made your comments for the record, please mute your phone or microphone to allow someone else an opportunity to speak.”
- “Once called, please state your name, where you are from, if you are representing any organization, what shellfish lease or leases you are commenting on, and whether you support, oppose, or have other comments on the advertised shellfish lease sites.”
- “Please be courteous and respect all persons who wish to speak.”
- “If hearing participants have questions about issues not directly related to the proposed shellfish leases, staff and I will be happy to meet with you after the hearing.”

“And with that, I will read the information on the proposed shellfish leases:”

- (1) “A shellfish **bottom** lease applied for on **August 17th, 2020**, by **Kimberly Watters and Stephen Boyette**, located **in the Mainland Areas, near Middle Sound ICW**, and as proposed will cover approximately **0.55** acres. The management plan indicates the use of **clam netting** for the commercial production of **clams**.”

“Division staff conducted a site investigation on **May 5th and June 22nd, 2021**. The results of that investigation found **zero** bushels of shellfish and **zero** submerged aquatic vegetation, which I will refer to SAV for the rest of this hearing.”

“Now, I will call on each applicant and give them an opportunity if they wish to speak to their proposed shellfish lease. This is not a requirement of the applicant. Please limit your comments to three minutes. Patricia will unmute each applicant after their name is called. Once the three minutes are up, I will inform the applicant and you will be muted for the next speaker.”

- (1) Stephen Boyette: “We really don’t have anything else to add to the application of this proposed shellfish lease, that is in front of Kimberly’s property. Just a small section and I think we have provided everything we need to, and I don’t have anything to add.”

“Now Patricia will call the first speaker. I would like to remind speakers to limit their comments to three minutes. As a reminder, please state your name, where you are from, if you are representing any organization, comments indicate whether you support, oppose, or have other comments on the shellfish lease sites. Questions can be answered after the hearing has concluded.”

Patricia asked if anyone else wanted to speak and there was no response. She stated there was no one else in the attendee list.

Closure: 6:09 P.M.