

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

March 26, 2021

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

Jacob Boyd – Section Chief

Teri Dane – Shellfish Lease Biologist

Marla Chuffo – Administrative Specialist I

Dustin Walters – Staff

Scottie Tripp – Staff

Andrew Wells - Staff

Tina Moore - Staff

Elizabeth McCormick – Staff

Patricia Smith - Staff

Attendees:

Adam Randles, Austin Goodwin, Chloe Williamson, Rodney Guajardo, Sue Hamann, Capt.

Monty Poling, Claire Mullaney

Meeting: 16 March 2021, 6:00-6:18 PM via WebEx for Carteret County proposed shellfish leases

Applicant(s): Hamann Clammin’, Philip Hamann (Agent), Sandbar Oyster Company, LLC, David Cessna (Agent), Moyst Oyster Company, Adam Randles (Agent), Austin Goodwin, 35 North Mariculture, LLC, Isaiah Smith (Agent), Christian Bayer, Doy Rhue

I. Meeting

At 6:01 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 7 proposed shellfish leases in Carteret County. Applicable 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 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 Carteret News Times on February 3rd, February 10th, and March 14th, 2021 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 time-frame 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 **September 23rd, 2019** by **Hamann Clammin, Inc, agent Phillip Hamann**, located in **the Newport River** and as proposed will cover approximately **2.30** acres. The management plan indicates the use of **bottom gear** for the commercial production of **clams and oysters.**”

“Division staff conducted a site investigation on **June 6th, and July 7th and 8th, 2020**. 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.”

- (2) “A shellfish **bottom** lease applied for on **September 30th, 2019** by **Sandbar Oyster Company LLC, agent David Cessna**, located in **Back Sound** and as proposed will cover approximately **4.46** acres. The management plan indicates the use of **bottom gear** for the commercial production of **oysters and clams.**”

“Division staff conducted a site investigation on **October 29 and 30th, 2019**. The results of that investigation found **0.09** bushels of shellfish per acre and **zero** SAV.”(submerged aquatic vegetation)

- (3) “A shellfish **bottom and water column** lease applied for on **May 8th, 2019** by **Moyst Oyster Company, agent Adam Randles** located in **North River, below the bridge** and as proposed will cover approximately **5.5** acres. The management plan indicates the use of a **floating gear** for the commercial production of **oysters.**”

“Division staff conducted a site investigation on **September 25th, 2019**. The results of that investigation found **1.89** bushels of shellfish per acre and **0%** SAV.” (submerged aquatic vegetation)

- (4) “A shellfish **bottom and water column** lease applied for on **March 31st, 2020** by **Austin Goodwin**, located in **Wards Creek** and as proposed will cover approximately **0.91** acres. The management plan indicates the use of **floating gear** for the commercial production of **oysters.**”

“Division staff conducted a site investigation on **September 22nd, 2020**. The results of that investigation found **0.8** bushels of shellfish per acre and **zero** SAV.”(submerged aquatic vegetation)

- (5) “A shellfish **bottom and water column** lease applied for on **September 1st, 2020** by **35 North Mariculture LLC, agent Isaiah Smith**, located in **North Bay** and as proposed will cover approximately **2.59** acres. The management plan indicates the use of **bottom and water column gear** for the commercial production of **oysters and clams.**”

“Division staff conducted a site investigation on **September 23rd, 2020**. The results of that investigation found **zero** bushels of shellfish and **zero** SAV.” (submerged aquatic vegetation)

- (6) “A shellfish **bottom** lease applied for on **August 24th, 2020** by **Christian Bayer**, located in **North River, below the bridge**, and as proposed will cover approximately **1.76** acres. The management plan indicates the use of **bottom gear** for the commercial production of **oysters, clams, and scallops.**”

“Division staff conducted a site investigation on **October 26th, 2020**. The results of that investigation found **zero** bushels of shellfish and **zero** SAV.” (submerged aquatic vegetation)

- (7) “A shellfish **water column** lease applied for on **August 26th, 2020** by **Doy Rhue**, located in **the Newport River** and as proposed will cover approximately **1.01** acres. The management plan indicates the use of **water column gear** for the commercial production of **oysters.**”

“Division staff conducted a site investigation on **October 15th, 2020**. No samples were collected because the proposed water column lease overlies an existing shellfish bottom lease.”

“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) Philip Hamann: Sue Hamann spoke on behalf of Hamann Clammin’ representing herself as agent and stated that “they are requesting an extension of their existing lease, already have 1.89 water column and bottom lease. They have had a productive year and a harvest of 60,000 clams in our first year and are looking to expand. The proposed application is an extension.”
- (2) David Cessna: not in attendance

- (3) Adam Randles: “Appreciate the consideration of my application, it’s been a long time waiting. That’s it.”
- (4) Austin Goodwin: “Hello. This would be my first lease. I’ve been doing a lot of research. My dad runs a fish market and he deals with a lot of oysters and clams and scallops in that nature, so that gave me the idea and I decided my first intentions was just floating bags with oysters between when I turned in that first management plan. Between now and then I’ve done into several leases and I agree with some interest in clams, so I’ve been talking to Marla through email this week and she sent me a new management plan and I just turned that in today. I’m planning on doing clams and just wanted to mention that, but I will see which one works best for me. I appreciate the opportunity.”
- (5) Isaiah Smith: not in attendance
- (6) Christian Bayer: not in attendance
- (7) Doy Rhue: not in attendance

“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.”

Captain Monty Poling: “I am Captain Monty Poling. I own C Visions Charters based in Beaufort, North Carolina, we are a guided boat tour operation and I want to make the statement that I'm in support of all the leases that are being presented tonight. I think that they're very good for the environment but I specifically would like to address the one that Sandbar Oyster Company has applied for. I believe that Sandbar overall is proven, in my relationship with them, to be a good steward of the environment. Their current leases are very well-maintained and are producing quite well. In fact, their Oyster Catcher Substrate has been an overwhelming success on the leases that they're currently operating. Also believe that the location that they've selected was a good location there's a good tide flush there's not a whole lot of the natural oysters in that particular show that they applied for and also think that overall is going to create a good habitat for variety of different creatures that cruise around in our waters. Overall, I am in support of them all.”

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: 6:18 P.M.