

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

April 15, 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
Elizabeth McCormick – Staff
Odell Williams - Staff
Patricia Smith - Staff

Attendees:

John Fay, Bianca Aniski, Charles Mitchell, Allyson Mitchell, Michael Flynn

Meeting: 13 April 2021, 6:00-6:19 PM via WebEx for Dare County proposed shellfish leases

Applicant(s): William and Ryan Belter, Martin Crew Hayes, Hans Tyler Hofe

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 NC 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 **3** proposed shellfish leases in Dare 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 Coastland Times on March 10th, March 17th, and April 11th, 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 and water column** lease applied for on **July 6th, 2020** by **William Belter and Ryan Belter**, located **in Clam Shoal** and as proposed will cover approximately **6.05** acres. The management plan indicates the use of **suspended gear** for the commercial production of **oysters**. Division staff conducted a site investigation on **October 27th, 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 and water column** lease applied for on **July 20th, 2020** by **Martin Crew Hayes**, located **off Avon Harbor** and as proposed will cover approximately **2.89** acres. The management plan indicates the use of **bottom and floating gear** for the commercial production of **oysters**. Division staff conducted a site investigation on **October 6 and 7th, 2020**. The results of that investigation found **0** bushels of shellfish per acre and **1%** SAV cover.”
- (3) “A shellfish **bottom and water column** lease applied for on **July 28th, 2020** by **Hans Tyler Hofe** located **off Avon Harbor** and as proposed will cover approximately **1.92** acres. The management plan indicates the use of **bottom and floating gear** for the commercial production of **oysters**.”

Division staff conducted a site investigation on **October 6 and 7th, 2020**. The results of that investigation found **0** bushels of shellfish per acre and **0%** SAV cover.”

“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.”

William Belter: “Okay, thank you. Just wanted to make a brief comment. Ryan (Belter) and I have been, we currently each have a lease and believe we got started about 2014-2015, it has grown a lot. And we were really look forward to the opportunity to grow. And pretty much that’s just sum of it. I just, we enjoy what we're doing. I think it's a healthy industry for the state of North Carolina, and I just, we just really want to be involved. And I just thank you for the opportunity.”

Martin Crew Hayes: “I just kind of want to second what Mr. Belter said, you know. I'm feeling thankful for the opportunity. I see a lot of positives in this industry and you know for our area where you know, obviously we'd like to see as many jobs created, you know, sustainably as possible and I think the oyster industry is a great way to accomplish that as well as it just, you know, being a gratifying way to work and you know live life here on the Outer Banks and any other coastal areas as well. Yeah, you know, that's basically it. I look forward to hear and know how people feel about it and hopefully we've you know, got some support for the industry and I think we do. We appreciate all y'all’s support as well. That's all.”

Hans Tyler Hofe: “Okay, now you should hear us. Okay this is Hans, sorry about that. I was a little ill prepared. Pretty much, you know, same thing that Belter said and Crew as well, you know a lot of potential and we're really excited to hopefully be getting one step closer to having something tangible through the you know, been a couple of years of planning. And you know, we look at you know, the harbor here where we're trying to operate out of essentially and just this area of the sound, you know, being a little bit further north of the Belters and I think as things grow, you know, the potential for the sound, for the community, and then you know, just the industry as a whole. Yeah, I mean it's exciting and I’m really thankful to be given the opportunity and have to have made it this far. That's pretty much it. I appreciate it.”

Public comment:

Charles Mitchell: “My name is Charles Mitchell and I own a home there on [REDACTED] as well as three acres going over to [REDACTED] right there on the Sound. Owen, as you know from some of the paperwork we put in, I represent a number of members within Kinnakeet Village, who while, we're not opposed to oyster farming in general, we are opposed to the location of both the Crew and the Hofe locations and the reason is, a number of us on the sound there rely on tourist income and most of our tourists as you know are kite surfers and on a southwest wind coming off our beach the first place that we're going to run into is where these oysters are being proposed so it's going to pose a major tourist navigation hazard. I've already had one of my clients who uses a Hobie Cat off this property complain about it, so I think the location being as close it is to the property and so close into areas that are continually used by tourists and kite surfers in the sound poses a very dangerous navigation hazard. So my other piece is have we looked anywhere else in the sound? Can we go farther out into the sound? Can we go farther North? Why does this have to be the only location for both of these farms? So, myself as well as Miss. Trunow and others that have submitted paperwork are most definitely opposed. Add to that, that from my property and Miss. Trunow’s property, this is definitely right in our eye line and it's an eyesore. That's all I have for now.”

Michael Flynn: “Hi, I was primarily calling to listen to the hearing tonight, but I did submit a comment. Well, first my name's Michael Flynn, I live in Waves, North Carolina. I did submit a comment via the chat just in favor of all three of the oyster leases. Recognizing benefits that it provides to the local regional and state economy and I still feel that way.”

Patricia Smith: “That was all who indicated that they wanted to speak if there's anyone who's changed their mind and would like to speak now if you would please raise your hand and again the way you raise your hand is by hitting that little hand icon or if you're on the phone you hit need to hit Star 3. I am not seeing anyone else who has a wish to speak. Mr. Hayes said that he would like to rebuttal. That’s a question for you, Owen.”

Owen Mulvey-McFerron: “I might defer to Jacob on that one. Generally, we allow applicants to speak first on their proposed lease, then we accept public comment. But you know, this isn't necessarily an open discourse. In this setting, all these public comments are going to be taken to the Director in conjunction with the information we've collected on these leases for a final decision. So, if there are no other public comments at this point, then we'll move to close the meeting.”

Patricia Smith: “I do have one other hand raised here. Just a moment, from Avon Harbor, Miss Aniski”

Bianca Aniski: “I was just commenting on behalf of the Avon Harbor Preservation Society and I wanted to support both Crew and Tyler's leases. It’s our understanding that the location of these two leases will have a low footprint on the Avon Harbor and the Pamlico Sound bottom land. We also trust that they will be able to be highly productive, over time and that their oysters will be sustainable in a seafood market deficit. We believe that the establishment of oyster mariculture in Avon will generate a new coastal opportunity and we feel that it's in line with the North Carolina Division of Marine Fisheries to establish oyster mariculture, improve water quality, and bolster economic growth and we do support their leases. Thank you.”

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

Owen Mulvey-McFerron: “So if no one else wishes to speak, I will close this public hearing. I would like to thank you for your time and participation in this process. The time of closure is 6:19.”

Closure: 6:19 P.M.