

Dare County Shellfish Lease Hearing

Meeting Minutes

Tuesday, May 6, 2025

Dare County Government Office
954 Marshall C. Collins Dr., Room 168, Manteo, NC
In Person and virtually via Webex

Attendees

Staff

In Person

Casey Silva, Shellfish Lease and Aquaculture Program Coordinator
Kristina Flanigan, Program Conservation Biologist
Mitch Melkonian, Program Administrative Specialist

Via Webex

Marla Chuffo, Program Administrative Officer
Elizabeth McCormick, Section Administrative Specialist
Robert “Scottie” Tripp, Environmental Tech II
Cole Grady, Environmental Tech I

Applicant

In Person

Herring Shoal Shellfish Co., LLC, agent Aaron Hopkins
24-009BL/24-010WC

General Public

In Person

Charles Foreman
Barry Wickre
Martha Wickre
Andrew McMains
Mary Wickre
Banks Foreman
Patrick Byrd

Via Webex

Hans Hofe

Official Transcript

[00:00] Casey Silva:

The time is six o'clock, and I'd like to call this shellfish lease public hearing to order. My name is Casey Silva, and I'm the Shellfish Lease and Aquaculture Program Coordinator for the North Carolina Division of Marine Fisheries Habitat and Enhancement Section. I will be serving as the hearing officer tonight.

The purpose of this public hearing is to receive public comment on the proposed shellfish lease in Dare County. Division staff have conducted site investigations and found that the proposed shellfish lease generally meets the applicable standards for shellfish leasing under North Carolina General Statutes and Marine Fisheries Commission rules reviewed to date.

The Director of the Division authorizes a public hearing for proposed shellfish leases that likely meet all standards for shellfish leasing or for proposed shellfish leases where it is unclear if they meet all standards for shellfish leasing. The Director of the Division has authorized this hearing to receive public comment.

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 public record.

This hearing is a formalized process where we only take public comment on the proposed shellfish lease that has been noticed in the Coastland Times on April 2nd and April 9th, 2025, 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 lease can be submitted to the Division by 5pm 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. Mitch has been taking attendance as people have signed in to the meeting. He will now finalize that and go over the information on how to participate.

[02:08] Mitch Melkonian:

Thank you, Casey.

As you have signed on, I have been recording your names for our attendance records and asking if you would like to speak.

Currently, we do not have anyone signed on. If attendees join later, I will record their names and confirm their interest in speaking as they join.

Later in the meeting, I will go down the list of those who have indicated they wish to speak. When I call your name, I will unmute you and indicate that you can go ahead. You will be allowed to speak for three minutes.

After everyone on the list has had a chance to speak, I will ask if anyone else wants to speak. If you do, you will need to raise your hand. I will post the instructions in the chat on how to do that now.

Now, turning the meeting back over to Casey.

[02:41] Casey Silva:

Alright, so before we begin the public hearing, I will provide a brief overview of the shellfish leasing process and the role of public comments.

[02:49] Casey Silva:

First, some shellfish lease basics. Shellfish leases are public trust waters leased for shellfish aquaculture. When we talk about shellfish aquaculture, we are referring to artificially propagated stocks reared in a controlled environment. This differs from wild shellfish harvesting, as leaseholders actively manage their sites to grow shellfish. Shellfish leases grant private rights to cultivate shellfish in specific areas of public trust waters. These areas remain navigable at your own risk, but the leaseholders have exclusive rights to the shellfish within their designated lease.

[03:23] Casey Silva:

Shellfish leasing is governed by North Carolina law, primarily outlined in NCGS Chapter 113, Article 16. This includes all legislative changes, including changes from over 20 session laws since 1997.

Additionally, regulations from the Marine Fisheries Commission and specific decisions made by the Division Director influence lease approvals. These laws and rules establish the standards that must be met for a lease to be granted.

[03:50] Casey Silva:

The shellfish lease application process is comprehensive and includes multiple steps before a lease can be approved. Currently, we are at the stage of the public comment period, which lasts for 30 days and includes this public hearing. Prior to this hearing, we have already published two legal notices to ensure transparency.

[04:07] Casey Silva:

Before this hearing, Division technicians conducted thorough site investigations. These investigations include:

- Marking & Acreage Verification – Ensuring the lease boundaries are properly marked and measured.
- Biological Assessments – Sampling for submerged aquatic vegetation (SAV) and natural shellfish populations using patent tongs to capture both surface and subsurface samples.
- Navigation & Depth Analysis – Evaluating navigational impact at the proposed site on the day of inspection. However, this is only a snapshot and does not characterize year-round public trust usage.

[04:42] Casey Silva:

The purpose of this public hearing is to evaluate whether this proposed shellfish lease is compatible with public trust usage. This hearing is not a vote—it is an opportunity for the Division to collect relevant information about potential impacts on navigation, fishing, and recreation.

Public comments may be submitted in three ways:

1. Tonight, during this hearing.
2. Online through the Division's website.
3. By letter, until the public comment period closes tomorrow at 5:00 PM.

[05:09] Casey Silva:

The Director will use this input to assess the lease application's compatibility with existing public trust uses and make an informed decision. The possible outcomes include:

- Approval – The lease is granted as proposed.
- Conditional Approval – The lease is approved with required adjustments to address identified concerns.
- Denial – The lease is determined not to meet the defined siting standards.

[05:32] Casey Silva:

When providing comments, please focus on specific uses of the proposed lease footprint, rather than general concerns about the waterbody. Examples of helpful comments include:

- I use this shoal for recreation seasonally.
- I use this specific footprint for recreational fishing.
- This specific footprint is the only navigable channel to another area.

We are not looking for broad statements about the waterbody or general opinions on shellfish leasing. Comments should be site-specific to help us determine potential conflicts.

[06:02] Casey Silva:

We will now begin the public comment portion of the hearing. Here's how it will proceed:

1. First, I will present information on the proposed shellfish lease.
2. Next, I will invite members of the public who signed up to speak.
3. Finally, I will give each lease applicant the opportunity to make a statement.

With that, I will read the information on the proposed shellfish lease.

[06:26] Casey Silva:

The proposed shellfish lease receiving public comment at this hearing is listed here. As a reminder for all speakers this evening, please be courteous and respectful. If you are discourteous or disruptive, I will ask you to leave.

[06:15] Casey Silva:

Tonight's sole lease application is for a three-acre shellfish bottom and water column lease, applied for on March 14th, 2024, by Herring Shoal Shellfish Company, LLC, agents William James Clower and Aaron Hopkins, located in Roanoke Sound.

The management plan indicates the use of oyster and clam seed and suspended longline system for the commercial production of oysters and clams within the footprint of the proposed bottom and water column lease area.

Division staff conducted site investigation on June 11th, 2024, which found zero bushels of shellfish per acre and zero submerged aquatic vegetation or SAV.

[07:14] Casey Silva:

Now, I will call on the public for comments on the proposed shellfish lease. When I call your name, please come to the podium, state your name and organization you are representing, where you are from, the lease you are commenting on, and your comments.

Please address your comments directly to me as the Division representative, not to the audience. Your remarks are being recorded; speak loudly and clearly to ensure accurate transcription. You will have three minutes to speak. I will signal when you have one minute remaining by raising a finger and will raise my hand when your time expires.

If anyone has any 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. Mitch will place our contact information in the chat for you or you can write it down from the last slide.

[08:00] Casey Silva:

Alright, so I only have one speaker listed, Charles Foreman.

[08:18] Charles Foreman:

So, I don't really know a whole lot about what's going on, but I do know that I have the closest line to this lease, which is pretty much almost on top of it. I've had that lease for me, I would like to pass it on to my son, who's here tonight. And I don't know how y'all chose this spot, but I kind of feel like, in a way, I already have a lease on this spot with the Dare County Game Commission. And, I definitely just want to voice my opinion and oppose it. So, there's gotta be better places. That's all I really wanted to say.

[08:53] Casey Silva:

Alright, thank you.

[08:54] Charles Foreman:

I would like to talk to somebody later and really figure out what's going on, because I really don't know to the fullest about everything.

[09:01] Casey Silva:

Okay.

[09:08] Casey Silva:

Alright, now, Mitch will call the folks who are joining us via Webex or by phone who wish to speak. He will request you unmute yourself after he calls your name.

[09:17] Mitch Melkonian:

I have Hans Hofe. If you wish to speak, please unmute at my request and go ahead. You have three minutes.

[09:33] Mitch Melkonian:

I do not see him unmuting, so that is all participants who are joining by Webex. Back to you, Casey.

[09:39] Casey Silva:

Alright, if anybody else would like to come speak, you're more than welcome to at this time.

[09:58] Patrick Byrd:

My name's Patrick. I've had two blinds there for 36 years now, and we got the last of the good hunting in our area. I am a commercial fisherman, and I'm not against the oyster lease, but this spot, we're already there. We're already occupying the spot, been here forever and our people there before us, and it just doesn't work. As they maintain, they gotta come out there every day babysit their stuff and take care of it. If you come out there in your boat every day, they run—We got the last place where ducks naturally sit, got good hunting. Everybody in Dare County wants a blind right where we are. So anyhow, that's my beef. That's why it doesn't work. There's a big sound out there. Maybe that's the spot they like, they picked out, but I mean it doesn't work for us. Been there for a long time. So, that's the deal. So, yeah, thank you.

[10:59] Casey Silva:

Anybody else? Mitch, anybody online who's changed their mind?

[11:10] Mitch Melkonian:

That is everyone who wishes to speak.

[11:13] Casey Silva:

Okay. Now, I will call on the applicant and give them an opportunity if they wish to speak on their proposed shellfish lease. It is not a requirement of the applicant.

As a reminder, you will have three minutes to speak. I will hold up one finger when you have one minute remaining, and my hand when you reach three minutes.

I would like to call on Herring Shoal Shellfish Company, LLC, agents William James Clower and Aaron Hopkins, to present their proposed shellfish lease.

[11:45] Aaron Hopkins:

Hey, my name is Aaron Hopkins. I'm here on behalf of Herring Shoal Shellfish Company today, and we're here just to share our intention for our new lease application. We're applying for a secondary spot, and we've followed all the local and state rules and regulations when it comes to applying for this spot. It's in a total legal and viable location according to your all's standards. We want to extend over here to diversify our crop and continue to benefit and restore, ecologically, our local body water. We intend to have a minimal footprint over there, and we'd like to concentrate on plant bedding. There are many factors that support the healthy aquaculture and to ensure our way of making a living, diversifying our locations very important for this. The Applied location is on a shoal between two navigable channels. There has been mentioned sometimes slew beside the applied space opens and allows for travel. That's why we left 10 yards of that open and we're open to, you know, can leave even more of that open if need be. We didn't exactly just pick this spot. We, you know, all the factors that we have to go in, that we have to take into account, just between the water flow, SAV accessibility, you know, and then good salinity and growth rate and all that are factors that we need as well. This is really, virtually one of the only spots there, close left or inlet that we could even apply for. We applied for a few other places that were all denied for one reason or another. So, it's not like we just picked the spot and pick it. We also just wanted to share the pub, the evidence that the positive impacts, impacts that our current thesis have, we've seen, you know, direct benefit to the to the water quality and all that there, as well as, you know, a very apparent, it's been very apparent that it's very good for the ecosystem around the ecosystem thrives in that area. And so, when it comes to maybe, you know, interfering, when it comes to waterfowl and this and that we're essentially providing nothing but a ecosystem for them, which would allow, you know, place to thrive and live also. I mean, there has been studies that show that waterfowl actually tend to congregate more around shellfish populations, and so we would think that having shellfish population out there wouldn't

[11:13] Casey Silva:

Sorry, you're at three minutes. Thank you.

[11:13] Casey Silva:

Is there anybody else who would like to comment on the proposed lease?

All right, if nobody else wishes to speak, I will close this public hearing. I would like to thank you all for your time and participation in this process. Time of closure is 6:15 PM.