

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

July 24, 2024

Present: Zach Harrison – Habitat and Enhancement Section Chief
Stephen Johnson – Biologist I – Shellfish Lease Program
Marla Chuffo – Administrative Officer II – Shellfish Lease Program
Jason Parish – Marine Patrol Officer

Attendees:

Tina Moore – Staff

Online: Anthony Frost - Staff

Scottie Tripp – Staff

Elizabeth McCormick – Staff

In Person: Karen Penchansky, Dominic Vetrano, James Tyler Chadwick, Mason Allen

Meeting: 24 July 2024, 6:00-6:09 PM via in Person and WebEx for Craven County proposed shellfish lease. Location at Craven Community College, 305 Cunningham Blvd, STEM Building, Room 134, Havelock

Applicant(s): Charles C. Allen, James T. Chadwick, Dominic Vetrano, Karen Penchansky

I. Meeting

Zach: “Alright everybody I’ve got the time as 6:00 so I would like to call this public hearing to order. My name is Zach Harrison, and I am the I’m the Habitat and Enhancement Section Chief for the North Carolina Division of Marine Fisheries. I’ll be serving as the hearing officer tonight.

The purpose of this public hearing is to receive public comments on proposed shellfish leases in Craven County. Site 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 or it is unclear if they meet the statutes and standards of those. The Director of this Division authorizes a public hearing for proposed shellfish leases that likely meet all standards for proposed shellfish leasing or for proposed leases that 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 take only public comment on the proposed shellfish leases that have been noticed in the New Bern Sun Journal Newspaper on June 18th and June 25th, 2024, 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 these shellfish leases can be submitted to the Division by up to 5 PM 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. Stephen has been taking attendance as people have signed into the meeting. He will now finalize that and go over the information on how to participate.”

Stephen: “Looks like right now there is only staff.”

Zach: “Alright, so, now I will switch over to a brief overview of shellfish leasing and this public comment period. Okay, quick overview of the shellfish leasing process and the role of this public hearing and public comment. So, some shellfish lease basics. Public trust, shellfish leases are public trust waters leased for shellfish aquaculture, which is artificially propagated stocks. They're reared in a controlled environment. The controlled environment can include the shellfish in this oyster cage here. Leases give private rights to shell fishing in that area, so that is what is being leased, and the water is still navigable at everyone's own risk. So, shellfish leases are governed by law. They're in general statutes primarily defined in general statutes, a little bit of commission rules, and then the director's decision following that up. This is all found in North Carolina General Statutes chapter 0113 article 16, includes all the changes to shellfish leases. There's been 26 session laws since 1997 and 48 total changes to general statutes. So, the shellfish lease application process is a complex process and here we are right now the public comment period gathering public comments about these proposed shellfish leases.

So, the shellfish lease investigation that's been conducted includes marking poles and acreage. Biological so, looking at submerged aquatic vegetation, otherwise known as SAV or seagrass and natural shellfish done with a quarter by a meter by meter patent tongs. Looking for the presence of either of those. They're also looking at navigation in depth, but they're not looking at overall usage or yearly usage of public trust usages of these locations. That is what the public

comment is for, and so we're using this to evaluate compatibility, and determine the effects on public trust usage, we're looking for direct impacts and we are not holding a vote here. Public comment is then collected, and so that includes the comments at public hearings and the online and online comments and letters during the public comment period, and then we of course include additional outreach such as our website or shellfish leasing tool, press releases, and multiple types of posting.

The Director's decision for a shellfish lease is really weighing if that information gathered shows compatibility with public trust usage in that area. That is primarily looking at navigation, commercial fishing, recreation fishing, and other recreation. The Director's decision can be an approved, approved with conditions or deny. And lastly, the important piece of making public comments here is if we have a proposed shellfish lease here, which is not a real shellfish lease, we are not looking for general water body comments, so not how you utilize Bogue Sound in general. We're looking for specific uses of that location. So, if this is a location that you recreate on the shoal if you fish or if you kayak or recreate or boat through that area. And with that, I will finish this and we will move back to the public hearing.

Alright, so first we will go through the information for the proposed shellfish leases and I'll open comments to anyone who wishes to be heard. Then I will give each of the shellfish lease applicants an opportunity to speak. I'll call on commenters by name in the order they signed up to speak. With that, I'll read the information on the proposed shellfish leases. The proposed shellfish leases receiving public comment are listed here. As a reminder for all speakers this evening, please be courteous and respectful. If you are discourteous or disruptive, I'll ask you to leave.

First, a 5.18-acre shellfish bottom and water column lease applied for on July 31, 2023 by Charles C. Allen and James Tyler Chadwick located in Adams Creek. The management plan indicates the use of floating gear and bottom gear for the commercial production of oysters. Division staff conducted a site investigation on August 16th and 17th, 2023, which found zero bushels of shellfish per acre and zero submerged aquatic vegetation, which I will refer to as SAV.

Lastly, a 2.85-acre shellfish bottom and water column lease applied for on August 1, 2023, by Dominic Vitrano and Karen Penschansky located in Adams Creek. The management plan indicates the use of floating gear for the commercial production of oysters. Division staff conducted a site investigation on August 23rd, 2023, which found zero bushels of shellfish per acre and zero SAV.

Now we'll call on the public for comments on the proposed shellfish leases. When I call your name, please come to the podium state your name and organization you are representing, where

you are from, which leases or lease you were commenting on, and your comments. Please direct your comments to me as a representative of the division and not the audience. Your comments are being recorded through the microphone on the podium.

If you do not wish to speak directly into the microphone, we may not be able to accurately transcribe your remarks. You will have 3 min to speak. I will hold up a finger when you have 1 min remaining and my hand when you reach 3 min. If anyone has 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. Stephen will place contact information in the chat for you or you can write it down from the last slide. Now Stephen will call the folks who are joining us via Webex or by phone who wish to speak. You unmute you after he calls her name.”

Stephen: “It’s still only staff.”

Zach: “That concludes the registered speakers. Was there anyone I missed or anyone who has changed their mind and would like to speak? If so, please raise your hand. Instructions are posted in the chat. Now, I will call on the applicants and give them an opportunity if they wish to speak on their proposed shellfish lease. This is not a requirement of the applicants.

As a reminder, you will have 3 min to speak. I will hold up a finger when you have 1 min remaining and my hand when you reach 3 min. I would like to call on Charles C. Allen and James Tyler Chadwick to present their proposed shellfish leases.”

James Tyler Chadwick: “We have no comment at the time.”

Zach: “Thank you. I would like to call on Dominic Vetrano and Karen Penchansky to present their proposed leases.

Dominic Vetrano: “No, comment.”

Zach: “Thank you. 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. Time of closure is 6:09. Now that the hearing is concluded, I will take any questions that folks may still have.”

Closure: 6:09 PM