

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

March 11, 2021

Present: Jacob Boyd – Section Chief
Owen Mulvey-McFerron – Program Coordinator, Shellfish Lease Program
Teri Dane – Shellfish Lease Biologist
Marla Chuffo – Administrative Specialist I
Dustin Walters – Staff
Scottie Tripp – Staff
Andrew Wells - Staff
Anthony Frost - Staff
Elizabeth McCormick – Staff
Patricia Smith - Staff
Attendees:
Albert O’Neal, David Fletcher O’Neal, Heather O’Neal, Jeff Credle, Charles VanSalisbury, Jon Steeves, Bill Rich
Meeting: 9 March 2021, 6:00-6:15 PM via WebEx for Hyde County proposed shellfish leases
Applicant(s): David Fletcher O’Neal, Stephen Wilson, Jeff Credle, Charles VanSalisbury, Wanchese Fish Company, Inc, Patrick Leonard (Agent)

I. Meeting

At 6:00 pm the public hearing was called to order by Jacob Boyd:

“I’d like to call this Shellfish Lease Public Hearing to order. My name is Jacob Boyd and I am the Section Chief of the NC Division of Marine Fisheries’ Habitat and Enhancement Section. 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)

Jacob Boyd 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 **5** proposed shellfish leases in Hyde 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 February 3rd, February 10th, and March 7th, 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 **April 21st, 2018** by **David Fletcher O’Neal** located **behind Ocracoke Inlet** and as proposed will cover approximately **4.92** acres. The management plan indicates the use of **floating gear** for the commercial production of **Oysters.**”

“Division staff conducted a site investigation on **October 23rd and 24th, 2019**. The results of that investigation found **zero bushels of shellfish and zero SAV**. (submerged aquatic vegetation).”

- (2) “A shellfish **Bottom and Water Column** lease applied for on **March 16th, 2019** by **Stephen Wilson** located in **Howard Reef** and as proposed will cover approximately **3.59** acres. The management plan indicates the use of **floating gear** for the commercial production of **Oysters.**”

“Division staff conducted a site investigation on **July 14th, 2020**. The results of that investigation found **zero bushels of shellfish and zero SAV.**”

- (3) “A shellfish **Bottom and Water Column** lease applied for on **May 8th, 2019** by **Jeff Credle** located in **Germantown Bay** and as proposed will cover approximately **1.40** acres. The management plan indicates the use of a **floating gear** for the commercial production of **Oysters**.”

“Division staff conducted a site investigation on **June 30th, 2020**. The results of that investigation found **zero bushels of shellfish and 5% SAV**.”

- (4) “A shellfish **Bottom and Water Column** lease applied for on **June 8th, 2020** by **Charles Van Salisbury**, located in **Jeanette Creek** and as proposed will cover approximately **1.01** 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 **September 1st, 2020**. The results of that investigation found **zero bushels of shellfish and zero SAV**.”

- (5) “A shellfish **Bottom** lease applied for on **September 1st, 2020** by **Wanchese Fish Company, Inc., Patrick Leonard**, located in **Berrys Bay** and as proposed will cover approximately **9.57** acres. The management plan indicates the use of **bottom gear** for the commercial production of **Oysters**.”

“Division staff conducted a site investigation on **October 8th and 13th, 2020**. The results of that investigation found **zero bushels of shellfish and zero SAV**.”

“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) David Fletcher O’Neal: Declined to speak.
- (2) Stephen Wilson: Declined to speak
- (3) Jeff Credle: Declined to speak
- (4) Charles VanSalisbury: “Just letting you know we could not get on the line; wish I could join you tonight. The only comment that I would like to make is that I am trying to put an extension on the lease and I don’t know of anybody that would have a problem with it. That’s pretty much it.” (He joined the meeting through an alternate route)
- (5) Patrick Leonard – did not attend

“Now Patricia will call the first speaker. I would like to remind speakers to limit their comments to three minutes.” (Attempted to reach out to the only individual that signed up to speak, James Fletcher, and there was no answer) 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: 6:15 P.M.