

**May 23, 2023 - Carteret County Shellfish Lease Hearing Online Public Comments**

First Name	Last Name	State/Province	Comment
James	Willis	North Carolina	My concerns revolve around only the proposed leases in North River (Carteret County) & Wards Creek (Carteret County). Both rivers are used for crab pots & peeler pots (soft crab operations) & bottom leases would prevent fishermen from utilizing those areas for crabbing (hard crabs & peelers). As it stands, commercial fishermen's options for diversification among different fisheries are becoming fewer & fewer, therefore putting more and more pressure on our natural resources. Please do not continue to allow (particularly North River) to be consumed by bottom leases. At the least, please become aware of how specific areas in these two rivers are utilized by fishermen & please don't allow bottom leases in areas that are utilized by other fisheries. Best Regards, James Willis
ROBERT	GARRISON	North Carolina	RE. Proposed water column and shellfish lease to Mr. David Eckberg, ID 22-067BL/22-068WC As a resident of Davis Bay near the mouth of North River for the past 25 years, I feel that the above lease will very significantly restrict the public trust rights to this pristine and heavily used section of North River. Over the years I have witnessed the use of this water by my friends and neighbors for a wide variety of recreational uses. I have personally used this area to fish for flounder (hook and line, gig, and dive), for collecting conch, for windsurfing, and for access to the creeks within the marsh. It has been a great location to anchor a boat and let the grandchildren wade in the shallow water, especially as it's protected when the weather is out of the north. Many times we have watched the dolphins frolicking in this area. All of these things would cease if this area were to be leased, and our public trust rights to these waters taken away.
Dr. Mary P	Kirk	North Carolina	David Eckberg Shellfish Lease Request Hearing slated for Tuesday, May 23, 2023 Submission of Public Comment.  RE: Lease ID 067BL, 22-068WC, 7.77 Acres at Convergence of North River, Taylor s Creek, Back Sound Channel, Channel to Straits, N. River Thoroughfare, and Shackleford Banks Access Channel, Back Sound  Being a landowner on Lennoxville Point Road, Beaufort, NC, I am grateful for the opportunity to comment on the above proposed request. According to GS 113-202 (b) "The Secretary may delete any part of an area proposed for lease or may condition a lease to protect the public interest with respect to the factors enumerated in subsection (a) of this section. The Secretary may not grant a new lease in an area heavily used for recreational purposes. Except as prohibited by federal law, the Secretary shall not exclude any area from leasing solely on the basis that the area contains submerged aquatic vegetation and shall make specific findings based on the standards set forth in subsection (a) of this section prior to reaching a decision not to grant or renew a lease for shellfish cultivation for any area containing submerged aquatic vegetation."  My comments will solely be devoted to the sentence which states "The Secretary may not grant a new lease in an area heavily used for recreational purposes." as this proposed lease area is heavily used for recreational purposes.  Every day and all day, I witness boats traversing the North River to reach Bogue Sound using various channels to reach their destination. They come to drop and retrieve crab pots, fish for trout, bluefish, drum, netting for mullet, Many like myself enjoy the use of smaller boats to access the smaller channels around all the outlets listed above to search for conchs, scallops when in season, and every day possible, to access the shoals at low tide to search for these treasures, allow my dogs to play in the water and sand, and splash and play in the water myself. Sandy beach areas are used heavily and there are only limited areas in North River that provide such hard bottom areas.  Another great enjoyment is spending time on the water in my kayak and being able to access whatever channels desired. The volume of boats, kayakers, and paddle boarders is great and that number increases even more when the weather does not allow access to Shackleford Banks or offshore.  There is currently a public records request pending on this matter and myself and others are awaiting more information, I would request the right to reserve further comment when that information is received. There is also a discrepancy between the lease information and the actual posting on the waters – 7.7 acres in the request and 8.97 on the posting on the water. Which is correct?  Finally, it must be understood this is one of the most used waterways from Straits, Howland Rock, Shellpoint Landing, and Harkers Island. Such a lease will greatly impact the recreational use of this area. I beseech the hearing committee to deny this request, and to protect this area for all who use it from Beaufort, Straits and Harkers Island. Your consideration is greatly appreciated.  Mary P. Kirk, Ed.D. [REDACTED]
John	Clark	North Carolina	Lease ID 22-067BL/22-068WC Proposed Location in the South End (Lower End) of North River Comment: The proposed location of the above lease will have a major impact on the Public Trust Rights of the public's rights to utilize and enjoy that particular area. My family and I have utilized that area for recreation, kayaking, boating, fishing, and conching for the past 27 years. That area is also used by residents, and tourists that live and visit the area on a regular bases. A shellfish lease in this area would be an infringement on the public's ability to enjoy the use of the area. Not only that, the location of this lease is next to a major channel used by boaters visiting both the Cape Lookout National Park, and the Shackleford Banks National Seashore. This lease will infringe on the public's ability to use the area, it can have a major economic impact on the local economy. Before this lease is granted an Economic Impact Study needs to be completed to reveal the effects it will have on the present and future tourist economy of the surrounding area. Also in my opinion the areas surrounding the National Park and Seashore, including the stated area, needs to have a moratorium in place restricting leases that would infringe on public's ability to enjoy the area, and that may have a negative economic impact on the area. We are fortunate to have a National Park and National Seashore located in the area, and nothing should be allowed to infringe on the public's ability to enjoy them.
Alton	Dudley	North Carolina	I am a 7th generation Carteret County resident, and live on Lennoxville Point Road, at the mouth of North River. The land I live on is on the waters of North River, and I am the 5th generation who has owned this land. All of my ancestors, before me, have been watermen and have their earned their livelihoods from working these waters. I am telling you this so you will have an idea just how much these waters have meant to my ancestors and me. I am 74 years old, and have been a commercial fisherman for 60 of those years. I have seen many changes in North River over the years including development, loss of habitat, and waters being closed because of pollution. None has upset me as much as witnessing Marine Fisheries giving away what is left of our public trust waters. These waters belong to all citizens of North Carolina.  It is my opinion, and many of my fellow watermen, that the Marine Fisheries Division of NC has failed in their responsibilities to protect and preserve the public waters that were meant to be used and enjoyed by all citizens in NC, not just a privileged few.  In closing, I strongly oppose the granting of the current shellfish applications for North River: #22-067BL, #22-068WC, and any other shellfish applications pending.  Respectfully submitted, Capt Al Dudley.
Leroy (Tom)	Gaskill	North Carolina	I strongly oppose this lease, I'm a life long resident of Beaufort (60 years) and spent a good many hours on the water; fishing, clamming, oystering and just about anything else you can think of. I don't think it's fair to lease this area and it will negatively impact the use of these waters for those that still want to access it freely.
James	Bunch	North Carolina	I live in Beaufort and I am a full time resident. I fish in the North River area often and I am firmly opposed to more shell fish leases in this area. Everywhere you go there are white PVC pipes designating shellfish leases. It's like a parking lot with signs and white pipes everywhere. I don't feel comfortable fishing near these leases for fear of being accused of stealing their shellfish. These areas are in the marshes and all up and down the shorelines. It's a maze of "off limit zones" in the middle of a public fishing area. There are too many now!

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Jesse	Crumbacker	North Carolina	This is to oppose the granting of a shellfish lease (almost 8 acres) here in North River. This lease would obstruct my fishing, hunting , and recreational activities. No one person or group of persons should be allowed to take those God-given activities away from others.
Kathie	Crumbacker	North Carolina	This is to oppose the granting of a shellfish lease (almost 8 acres) here in North River. This lease would obstruct my fishing, hunting , and recreational activities. No one person or group of persons should be allowed to take those God-given activities away from others.
Joseph	Smith	North Carolina	NC DMF, I am opposed to new shellfish leases in shallow waters of North River in Carteret County. One 8-acre proposed lease along the western shore of North River would be an impediment to navigation in an area where I and many others routinely fish. JWSmith
Kevin	Page	North Carolina	I am responding to application # ID22-067BL/22068WC My wife and I live on Charlie Lewis Lane. We are deeply concerned about this application and the ultimate adverse affects that it will have in near and long term. I have a son and a daughter, as well as two step sons, and a grandchild and we have always enjoyed fishing and recreating in the areas noted in this lease application. We are concerned that we will be infringed upon using and enjoying these beautiful and pristine waters. We purchased this house two years ago with the main purpose of fishing and enjoying nature in this beautiful area, and now this seems to be in jeopardy. I understand and appreciate entrepreneurship, but I cannot see how the potential and uncertain "gains" of this venture outweigh the longer term negative effects. Our family appreciates your attention to this important matter. Thank you
Jeff	Skinner	North Carolina	I am adamantly opposed to having commercial shellfish leases of any type on public waters such as the North River. This area is enjoyed by thousands each year for fishing, gatherings shellfish, and general recreation activities like boating and paddling. There are also commercial fishermen in the area that depend on income from activities like oystering wild oysters, clams, fish and shrimp. Impeding anyones movement in public waters to accommodate leased areas should be discouraged and prohibited. Please regard the livelihood of many and the recreational enjoyment as a right now to be infringed upon. Once you start down this path and a precedent is established the future will give rise to many more of these type of infringements.
anthony	stone	North Carolina	I have property at [REDACTED] and [REDACTED] fronting on the north river straits. I also have enjoyed a summer home on Taylors creek for over 30 years. I was very unpleasantly surprised to get this terrible news. first of all, persons owning waterfront property as well as Carteret County citizens should have gotten written notification about this potential lease. this is a far too densely used area of water to have any consideration for this use. it will diminish property values, restrict boating, fishing, water sports and be a potential boating hazard that could result in fatalities. first of all, I stand firmly against this proposed use and secondly the general public has not been given proper and adequate notification to respond. please turn it down and if not, I personally will bring a civil action to the courts of Carteret County to defend my rights and stop this ludicrous proposal of public water use.
robert	wiggs	North Carolina	I am a property owner in close proximity to the North River and regularly fish and recreate the area. I object to this commercial use of a public resource. I regularly fish and recreate in that area. Navigation is already tricky at best in the North River and would be a hazard an d impediment to boat traffic. As a tax payer in Carteret County it is difficult to understand how one for profit entity can trump the hundreds of users for recreation.
hunter	young	North Carolina	Living on/near North River, my family and I frequently boat and fish near the area proposed for the shellfish lease. We have enjoyed the beauty of the North River shores for over 10 years. Frankly, in our opinion, these mainly pristine waters belong to ALL North Carolina residents. To carve out almost 8 acres to set up an oyster farm would prevent us to continue using the great natural resources available to us. Regards, Hunter Young and family.
Steve	Goodwin	North Carolina	I'm an eighty year old resident of Beaufort who has spent many hours enjoying the waters of North River . My family members before me have done the same. The area being considered for an oyster lease should not occur. Keep that area completely open to the public, so that everyone can enjoy the recreational and fishing opportunities it offers to all. Steve Goodwin.

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Scott	Saylor	North Carolina	<p style="text-align: center;">Comments of Scott Saylor [REDACTED]</p> <p style="text-align: center;">Re: Applicant: David Eckberg; Location (waterbody and county): Lower North River, Carteret County</p> <p style="text-align: center;">Lease Type and Number: Bottom/Water Column (22-067BL/22-068WC)</p> <p>This comment is in opposition to the proposed application. I am an aggrieved party as described below set forth below in detail. Our family has owned a home on the lower North River for over 14 years. We and our children, and their friends and guests, have enjoyed many, many days on the waters of the North River and Back Sound. We are able to beach our small boats on the shoals of N. River, enjoy kayaking, swimming, fishing, oystering in season, and hunting, all in view of Cape Lookout. It is one of the most unique areas of the Atlantic Coast.</p> <p style="text-align: center;">Procedural Objections (Re Lack of DEQ ability to approve any lease without more information)</p> <ol style="list-style-type: none"> <li>1- The meeting notices and lease documents do not accurately describe the property and are defective, requiring correction on the record and re-notice, at best. The survey is unclear – there is a material difference of approximately 62,000 sq. feet of proposed lease area. The meeting notice states 7.7 acres, however, the signs on the property state 8.97 acres. What is the acreage to be leased, and where is it located? Why were the boundaries altered?</li> <li>2- Due to materially incorrect factual reports by Marine Patrol (dated Jan. 1, 2023) an enforceable decision cannot be made on this application at this time. For example, it is hard to imagine how the reports (see Marine Patrol comments below) could state that there is not fishing, hunting, limited boating, or other recreational uses on the site, “None”? The Secretary does not have enough factually correct information to make a judgment on the merits of the application.</li> <li>3- Because of the limited file information made available by NCDEQ for this application, there is a N. C. Public Records Request pending on this matter submitted by me, an aggrieved party, to NCDEQ dated May 17, 2023, pursuant to N. C. Gen. Stat. section 132. (The related request to postpone the hearing was denied.) I understand NCDEQ intends to eventually respond to the request and provide information. This critical information is not available yet to the many parties commenting on this application. Until that is provided and an additional opportunity to comment offered, there should be no action on the matter. NCDEQ and the applicant have information that aggrieved parties simply do not have available</li> <li>4. NCDEQ does not have the authority under federal law to grant leases in waters which are habitat for marine mammals and other sea life subject to federal permits issued to NCDEQ. For example, whales (e.g. fin whales, sea turtles, seals, pilot whales, otters, and perhaps others) are found in the lower and middle sections of North River along with many porpoises, of course. See photos, and the video taken by my son of the fin whale moving northward in N. River and other photos: <a href="https://youtu.be/FI8sJ1AVEYU">https://youtu.be/FI8sJ1AVEYU</a> . This whale (or another similar one) was found dead later much farther north in shallower water. These rare and precious federally protected mammals and others require significant, free use of open water, including the sloping channels and tidal flow to survive. See <a href="https://saw-reg.usace.army.mil/NWP2021/NWP48.pdf">https://saw-reg.usace.army.mil/NWP2021/NWP48.pdf</a> , Section 18, Endangered Species.</li> </ol> <p style="text-align: center;">I will submit photos of a manatee near the east end of Taylors Creek. Manatees are common in our inland waters here now, and seals in the winter. See <a href="https://www.carolinacoastonline.com/news_times/article_a24c138e-4a9c-11e6-a4b7-13fe7054710.html">https://www.carolinacoastonline.com/news_times/article_a24c138e-4a9c-11e6-a4b7-13fe7054710.html</a></p> <p style="text-align: center;">General Comments/Other Concerns (In the event the Secretary chooses to act on the current application without further or more accurate information):</p> <ul style="list-style-type: none"> <li>- The comments in some of the staff reports are materially false. For example, the comments in Marine Patrol, B. Bolton s report of 1/1/23 says that there is no commercial or recreational fishing in the leased area, nor any hunting. These statements are false. We frequent this area year round, as to many others with free and easy access. There is boating, commercial and recreational fishing, conch shelling, kayaking, hunting, and other uses year round. This is a particularly egregious and incorrect staff report.</li> <li>- Year round, boating and swimming is regularly done less than 50-100 yards from the site, and on the site, because there are channels on both sides to fish and oyster grounds, and the site itself is also used by the public for boating and recreation regularly. This statement in the Marine Patrol report about setback access is also false, as there are channels on both sides, and the shoal itself is used recreationally on many occasions. We see this daily.</li> <li>- The site has become one of the few remaining commercial and recreational beach areas that are easily accessible from 7 main channels which all converge in the proposed leased area: These are: North River, the N. River thoroughfare, Back Sound, the channel to Straits, the channel to Harkers Isl, the channel to Shackleford Banks, and Taylors Creek. These channels, due to good boating/kayak access, bring thousands of citizens weekly through this location.</li> <li>- The pressure on this area by private shellfish applicants/interests to grow shellfish out of normal seasons, year round, has increased to an intolerable level and is incompatible for public uses at this location. This is in part caused by the 2 very large, main moratorium areas in Bogue Sound and Core Banks on both sides — N. River falls between moratorium areas, putting an undue burden on the public for use of precious open waters and unique characteristics of the lower N. River, especially easy boat access. Open areas are also now popular for scallop seasons. Scallop gathering over 8-10 acres of valuable habitat would be precluded by this lease.</li> <li>- The need for open water during major storms for emergencies for unobstructed safe harbor navigation or anchoring, particularly now with unpredictable weather patterns and sea level changes, is critical. This area falls directly in the path and convergence of the 7 major channels mentioned above for vessels of all sizes, including shrimp boats and commercial fishing.</li> </ul> <p style="text-align: center;">- If the Secretary chooses to act, NCDEQ is required to imposed specific conditions or seek other permissions, at best, regarding endangered species under DEQ s USCOE Nationwide permit(s).</p> <p>If a shellfish lease is approved in this valued sandy area as proposed, functionally closing these waters to all other uses, I fail to understand how any lease, anywhere in any non-moratorium, sandy area, could ever be denied. If there has ever been a set of circumstances to deny an application, surely it is this one. The eyes of that fin whale and the manatee, if nothing else, should be convincing enough to deny year-round closure of these waters to people and marine life. It is an intolerable obstruction to public use and cannot be mitigated by lease conditions.</p> <p>For the reasons above, the application should be denied. If not denied, the application should be deferred for additional review when the incorrect information has been corrected and all procedural objections addressed, including the application of US Army Corps of Engineers Nationwide Permit #48 and any other applicable state or federal law regarding endangered species protection in which the state is obligated to comply. The public should reminded that these waters are not owned by the state – they are owned by the people of the state.</p> <p style="text-align: center;">I reserve the right to comment further as additional and more accurate information becomes available.</p>