

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

*February 5, 2024*

*Present:* Mike Loeffler – Deputy Director, Hearing Officer  
George Stilson – Shellfish Lease Biologist, Host  
Stephen Johnson – Shellfish Lease Biologist, Co-Host  
Marla Chuffo – Shellfish Lease Administrative Specialist, Co-Host  
Patricia Smith – PIO Staff  
Garland Yopp – MPO Staff  
Kathy Rawls – Staff  
Elizabeth McCormick – Staff  
Anthony Frost – Staff  
Beth Govoni – Staff  
Jesse Bisette – Staff  
Robert Farnell – Staff  
Scottie Tripp – Staff  
Zach Harrison – Staff

*Attendees:*

**In-Person:** David Pattishall, Michael Conor MacNair, Ellen MacNair, Mike MacNair, Greg Kane, John Koloski, Michael Hausknecht, Evan Coughlin, Brent Cotton, Danny Cullum, Cody Parrish, Jake Casey, Adam Wallace, Roger Jones, Lori Stage, Herb Blake, James Hardy, Lisa Hamner, John Faley, Cody Faison, Kathy Wilson, Corey Durako, Morgan Klein, Allen Fulghum, Bethany Guthrie, Camden Guthrie, Casey Jones, Trudy Solomon, Alicia Hawley, Ted Wilgis, Mark Huir, Teresa Batson Batts, Billy Manger, Lee Parsons, Allen Jernigan, Ethan Bilderback, Dr. Henry Murray, Joseph Paliotti, Daniel Vote, Doug Brown, Ray Brittain, Jeremiah Batts, Michael Oppegaard, Aaron McMahan, Renzo Buenatto, Alyssa MacNair, Steve Smith, Steve Brewster, Tim Reagan, Allen Butler, Lori Stage, Dustin Heath, Kimberly Brownfield, Adam Wallace, Stan Griffith, David Peed, Cary Chappell, Chris Matteo, Eustace Wood, Tim Wilson, Brody Durako, Cameron Kuegel, Evan James, Sean P. McEntee

**WebEx/phone:** Paul Spiers, Bill Walton, Austin Green, Carl Smith, Chris Wright (Surf City IT staff), Jason Lingle (Surf City IT staff), Drew Arndt, Katrina Turner, Kyle Breuer, Kyle Sumer, Owen Mulvey-McFerron, Penny Bullock, Peter Castagno, Riley Lewis, Shawn Burns, Travis Gentzler, Trista Talton, WECT News

*Meeting:* 31 January 2024, 6:01-7:30 PM via WebEx and in person for Pender County proposed shellfish leases. Location at Surf City Municipal Complex, Council Chambers, 214 Florence Way, Hampstead

*Applicant(s):* Pirate Oysters, LLC, Paul Spiers, Michael Conor MacNair

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## **I. Meeting**

At 6:01 pm the public hearing was called to order by Mike Loeffler:

**Mike Loeffler:** “The time is 6:01, so I’d like to call this Shellfish Lease Public Hearing to order. My name is Mike Loeffler, I’m the Deputy Director of the North Carolina Division of Marine Fisheries. I will be serving as the hearing officer for you all tonight.

The purpose of this public hearing is to receive public comment on proposed shellfish leases here in Pender County. Site investigations by Division staff have determined that these proposed shellfish leases generally meet the standards for shellfish leasing under North Carolina General Statutes and North Carolina Marine Fisheries Commission rules. 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 system 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 Pender Post Newspaper on December 7<sup>th</sup>, and December 14<sup>th</sup>, 2023, and on the Division of Marine Fisheries 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 until 5 PM tomorrow. If you wish to speak tonight, and we do have a full house, thank you all for attending. If you 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 by Webex or by phone. Please be advised, all participants will be recorded. George Stilson 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 for the folks that are online. George?”

**George Stilson:** “Thanks Mike. I have been taking your names for our attendance records and asking who would like to speak as you have been signing in. I have some people I have not got to yet, so I will call your name, please give your first and last name. Kyle Breuer, would you like to speak tonight? And you are unmuted.

**Kyle Breuer:** “No, thank you. Can you hear me?”

**George Stilson:** “Yes, thank you. Call in User 2, 757814, would you like to speak tonight? [*No response*] All right, Carl Smith, would you like to speak tonight? Request to unmute. Carl? [*Carl*”

*Smith declined*] Chris, if you would state your last name, would you like to speak tonight? [*No response*] Katrina would you like to speak tonight? Would you state your last name. [*No response*] Paul Spiers, would you like to speak tonight?"

**Paul Spiers:** "No, thank you."

**George Stilson:** "Sean Burns, would you like to speak tonight? [*No response*] T. Talton would you like to speak tonight? [*No response*] Riley Lewis would you like to speak tonight? [*No response*] That's all I have for now, so I will turn the meeting back over to Mike now."  
[*Turns the meeting back over to Mike*]

**Mike Loeffler:** "Thank you, George. So, our next step is go through the information for the proposed shellfish leases, then give each of the shellfish lease applicants an opportunity to speak, and then I will open comments to anyone else who wishes to be heard. I will call on commentators by name in the order they signed up to speak, the best that I can. I apologize if I mispronounce or can't read some of these names, as I am looking across the list. With that, I will read the information on the proposed shellfish leases:

Lease number one is a 0.88-acre shellfish bottom and water column lease applied for on March 6<sup>th</sup>, 2023, by Pirate Oyster, LLC, agent Paul Spiers, located in Topsail Marshes. The management plan indicates the use of floating gear for the commercial production of oysters. Division staff conducted a site investigation on May 18<sup>th</sup> and 22<sup>nd</sup>, 2023, which found zero bushels of shellfish per acre and zero submerged aquatic vegetation, which I will refer to as SAV."

"Lease number two is a 10.00-acre shellfish water column lease applied for on July 31<sup>st</sup>, 2023, by Michael Conor MacNair, located in Waters Bay. The management plan indicates the use of clam seed and suspended gear for the commercial production of oysters and clams. Division staff conducted a site investigation on September 26<sup>th</sup>, 2023. No samples were collected because the proposed water column lease overlies an existing shellfish bottom lease."

"Now, I will take a couple of minutes and call on the applicants and give them an opportunity if they wish to speak to their proposed shellfish leases. This is not a requirement of the applicants to do so. Like all of the other public comments tonight, you will have three minutes to speak. I will hold up a finger when you have one minute remaining, and my hand when you reach three minutes, and at that time please conclude your remarks. 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. So now, George, if you would call on Paul Spiers to present their proposed shellfish lease, if he so chooses."

**George Stilson:** "I think Paul declined to speak but I will ask him again. Paul, just to make sure, you've declined to speak, correct?"

**Paul Spiers:** "Yes sir, that is correct, only if somebody has questions."

**George Stilson:** "Thank you."

**Mike Loeffler:** “Thank you sir. Next, I would like to call on Michael Conor MacNair to present their proposed shellfish lease, Mr. MacNair.”

**Michael Conor MacNair:** “My name is Michael Conor MacNair, I'm a second-generation oyster farmer and am excited to be here with my community, and I'm all ears for everybody throughout this process. I'm the founder and farmer and owner of NC Oyster Company. I graduated from UNCW with a Geological Oceanography degree and I'm going to keep this factual. The lease we're applying for today is not a new lease. It's close to a hundred years old, we already are allowed to utilize this lease. We purchased it from another commercial fisherman who was proud to sell it to us, as well as every lease we currently own. Here are some facts: Waters Bay is three hundred eighty- five acres. There are ten leases, those leases encompass a hundred and eight acres, that's only twenty- eight percent of Waters Bay. No one including myself is increasing the leased area. The leases are here due to the families that settled the island, making Topsail the place it is with hard work and Stump Sound oysters. If approved, we would simply be utilizing our current lease to grow instead of below eighteen inches, we would be allowed to grow above, which there is about eighteen inches of water in there at all times. So that's neither here nor there about whether I'm really affecting the top of the water. So, water column would grow a better oyster for us that does not impact the bottom, increases sea grasses and increases economic benefit. If the ten acres were approved for water column, that would mean it would take ten acres of three hundred and eighty, two-point six percent of Waters Bay, leaving the other ninety-seven acres that are currently oyster leases as what they are now, which are just bottom leases without any gear on them and just seed. Additionally, we leave large channels to navigate twenty-five plus feet in between every group of our lines, which is fit for us to get through by our boats, but fit for any flats boat to get in between, and that would be forty percent of this ten-acre lease, which would mean we'd be occupying one percent of Waters Bay with gear. This lease is twelve hundred feet from the shoreline. There is a twenty- eight-acre large spoil island separating this lease from the Intracoastal Waterway where most commercial fishing and recreational boating use exists. Commercial fishing that does exist in this bay is wild oystering, which oyster farms are proven to have a positive impact on, blue crab fishing, which oyster farming has a positive impact on, as well as we maintain extra buffers and channels around our lease to allow crab boats to get in and we stay three hundred feet away from the string of crab pots that is placed in Waters Bay. Our large twenty-five-foot gaps are easily navigable by kayaks, and we have all of our insurance through Farm Bureau for everything that's out in the water. We go to Town Council; we live in Turtle Creek. My son goes to preschool here. We'll be at Surf City Elementary in the fall. We have a farm to table restaurant on the water where we serve local Topsail seafood. Our food service has not existed for a year, and I've had tens of people come and eat at my establishment, stay at a beach house, then pay for charter fisherman to go fish off of our farm. What has never happened is a concerned citizen or fishing guide coming to me and talking to me directly about a complaint. Why is this question one or the other? Why if it's everybody's water, why can't we all work together to figure out why we can use it for everybody. Isn't that what would make the coastal economy thrive the best? Topsail is home to many spots on the North Carolina Oyster Trail, but we also have a lot of great oyster tourism that's happening here.”

**Mike Loeffler:** “Your time is up. Thank you for your comment, sir. Okay, we do have a full house, we’ve got quite the list of names to go through. Now we will move to comments from the public. When I call you, please come to the podium, state your name and organization you are representing, where you are from, which lease or leases you are commenting on, and your comments for tonight. Please direct your comments to me, as the representative of the Division, and not the audience. Your comments are being recorded through the microphone on the podium. If you do not speak directly into the microphone, we may not be able to accurately transcribe your remarks. 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. If anyone has questions for staff afterwards, myself and George will be happy to address those after the public comment period has ended. Okay, to start, Lee Parsons.”

**Lee Parsons:** “My name is Lee Parsons. I run a Gotta Fly Guide Service out of this area up here. I use these waters all the time, and I am opposing this lease, 23-040WC, along with 23-001BL and 23-002WC and what I'm opposing is the water column leases. I have nothing against a bottom lease, but the state has not done any research on the effects of the ecosystem as far as the fishery goes and the water column leases. They haven't done a shadow effect on the cages yet. They haven't done a bird effect on the cages yet. When I talk about the bird effect, I'm talking about what the birds do and how they poop in the water and how they tend to put more feces in one area. And until the water column lease study is not done, I'm opposing all the water column leases in the state because the state needs to get on their act and they need to do this. If the state doesn't have the money to do this, and I'm gonna put my money where my mouth is, and you give me an observer and you decide how often you want me to go out there and check these leases to see what the fishery using, excuse me, and I'll go out there and do this at no cost to the state. I'll absorb all my costs. All you do is pay for the observer, and you get him on my boat and that'll give you a start as far as getting an idea of what the water column leases are doing to the fishery. I know the bottom leases are good for the fishery and I do not oppose the bottom lease in any way, shape or form. I fish them all the time. But with the water column leases, technically from what I understand, we're not allowed to be in there and I know for fact how it's affecting it. I've seen how it's affected the grasses up in Traps Bay, and what's happened because of that. So anyway, that's all I got to say, I put my money where my mouth is.”

**Mike Loeffler:** “Thank you, Mr. Parsons. Next, we have Allen Jernigan”

**Allen Jernigan:** “Thank you, first of all, I love oysters. I'm glad these guys are doing well, my only issue is, is access in this area. I oppose the one in Waters Bay, especially. Kayakers from Old Landing Road and use that same piece of water all the time. I fish it, everybody in this room fishes it, it's just an access point for me. We're, this industry has boomed here in this area the last few years because of the moratorium surrounding the areas around us and I don't feel like we can afford to give up any more water here, we've already gave up so much. It's affecting, you know, affecting public access. The Waters Bay lease, I got a map right here, is in the historical navigational channel, traditional channel we've all used. It being a bottom lease, nobody's ever had an issue with it being a bottom lease, just like Lee said, we all, I don't have a problem with the bottom leases at all. It's, you know, it's how it's always been. But when it comes to restricting our areas where we can access the water, here's another map of the inside of the bay, the same bay where this proposed lease is at, if anybody wants to see this. We don't have hardly any water

in there to start with to fish that's not already leases. I mean, at some point we got to say enough is enough. Thank you.”

**Mike Loeffler:** “Thank you, Mr. Jernigan. Next, we have Ethan Bilderback.”

**Ethan Bilderback:** “Hi, everybody, I'm Captain Ethan Bilderback. I'm a fishing guide here in Topsail. I'm here to oppose lease number 23-040WC. There was a survey that was done in the area of Waters Bay where the proposed lease is supposed to go, which had incorrect information. For number one, the depth of the water is the depth I built my business in, I own two boats, one that runs in four inches of water, another one that runs in eight inches of water which allows me to fish in very shallow water for redfish and speckled trout. So, it's not just flounder giggers that use that bay. The flats fishing is actually becoming a very popular thing here in the state of North Carolina. Number two, Waters Bay is one of the last bays behind Topsail, that still has turtle grass and eel grass as well as a scattered oyster bottom, which is an ideal environment for redfish and speckled trout. This is one of the most pristine bays that we still have behind Topsail, which none of that was included in the survey. The reason why I know the bottom so well is because I maneuver my boat with a twenty-four foot push pole, which means I'm actively touching the bottom as I push the boat through the shallows. I feel and see the oyster bottom, as well as this submerged vegetation. I would be willing to carry people out with me to educate the environmental features of Waters Bay. Another factor, with Waters Bay and so close to the South City boat ramp, we see a lot of kayakers and paddle boarders use that bay recreationally and a lot of businesses point their guests or their customers to that bay to use that bay, which the lease would block the historical channel, making it a navigational hazard. So, putting lease 23-040WC in Waters Bay will have a negative impact on our environment. We will be killing areas that are thriving, which is hard to say about many places up and down the waterway nowadays. With all of the development. This time, it's time that we start talking about conservation in the state of North Carolina, which means preserving and not destroying what we have here and leave it better than how we found it. Thank you, guys.”

**Mike Loeffler:** “Thank you, Mr. Bilderback. My apologies to this next one, Dr. Murray?”

**Dr. Henry Murray:** “I have a doctors signature, we were taught that school. Some people call me Dr. Henry Murray, my friends call me Trip. I am a property owner here on Topsail Island specifically the south end. I would like to go on record as opposing lease numbers, 23-001BL, 23-002WC, and 23-040WC. Several of the points that I wanted to make this evening have already been addressed by Captains Lee Parsons, Allen Jernigan, Mr. Bilderback. I also don't have any opposition to bottom leases at all. They don't affect our ability to fish the waters that we fish. The problems that we're having with the water column leases is that it does restrict our access to areas that we, some of us, have fished for years. Everybody needs to make a living and I certainly don't have any problem with people wanting to earn a living and to Mr. Spiers I'd like to say, I recognize the passion. Excuse me, Mr. MacNair, I recognize the passion in the presentation you made this evening, I respect that. I do think we all need to work together to try to figure out how to make this work and in that spirit, with your permission, Mr. Loeffler, I would like to ask a couple of questions.”

**Mike Loeffler:** “Can we reserve questions until after the public hearing is completed.”

**Dr. Henry Murray:** “I think everybody wants to hear this.”

**Mike Loeffler:** “Right, but the purpose of tonight is to hear public comments, which is not an engagement action. So, if you have some comments you'd like to continue with, we'd like to hear those.”

**Dr. Henry Murray:** “Yes, okay, then I'll address this another way and please correct me if I'm wrong after the meeting. My understanding is that once a water column lease is granted that recreational fishermen are not allowed to be within the confines of that lease. I believe I heard this evening that we're okay to navigate in between the cages. This is news to me, I've never heard this before, so I'm looking for clarification on that. The other thing I'm looking for clarification about is the insurance that you mentioned. I have gone on record before saying I have concerns about these operations, these commercial operations, being uninsured. As a small business owner myself for thirty-seven years there's no way I could have been allowed to operate without liability insurance.”

**Mike Loeffler:** “Your three minutes is up, thank you sir. Thank you, Dr. Murray. Next is Joseph Paliotti.”

**Joseph Paliotti:** “Yes, my name's Joseph Paliotti, Surf City resident for 57 years, fish this area majority of those fifty-seven years. I'm opposed of lease number 23-040WC. Mainly because we're losing a lot of areas here to development. It's like every day you go there is more and more gears showing up. Another thing, there's more and more people showing up here. We're having a conflict you know, less areas to fish and I have no objection to bottom leases, it's just the raised gear that you cannot get around. But other than that, I'm in support of these guys making a living doing what they do with the oyster leases. It's just the raised gear that's hard to, you know, closing off areas, is my concern. That's all I had to say, thank you.”

**Mike Loeffler:** “Thank you, Mr. Paliotti. Next, we have Daniel Vote.”

**Daniel Vote:** “Hi, my name is Daniel Vote. I'm a resident of Holly Ridge. I've come here today because I oppose lease 23-040WC, 23-001BL, and 23-002WC. I, like a lot of the people that have previously spoke, my concern is not with the bottom leases. Strictly speaking, it's with the raised gear for navigational purposes. I also have a concern because of the growth of which we've seen these oyster leases in this area specifically, you know, but I agree, you know, they should have a right to do what they do. I just like a lot of other people, I'm very concerned because of the growth and focused, concentrated focus, at which it is in this area. You know, I don't have a huge biological background, so I don't know why we can't spread these out more up and down the Intracoastal Waterway rather than specifically just here. Some people tell me it's just a taste, I don't know. But, you know, I have concerns about the navigational issues with these raised leases and just continuing to take more and more area away from areas that I've always fished and just seeing, you know, again, the bottom leases, not that big a deal, can fish right through them right over and whatever, but the raised leases do pose a bit of an issue. So, thank you very much.”

**Mike Loeffler:** “Thank you, Mr. Vote, next we have Doug Brown.”

**Doug Brown:** “Thank you, my name is Doug Brown. I'm a Sneads Ferry resident. I oppose lease number 23-040WC and 23-001BL, 23-002WC. These areas that I do use to fish recreationally, I'm not a guide, I just like fishing and my concern is that these water column leases will block traditional fishing locations, crab pots, and other recreational uses of the area such as paddle boarding and kayaking. Thank you.”

**Mike Loeffler:** “Thank you, Mr. Brown. Next is Ray Brittain.”

**Ray Brittain:** “I'm Ray Brittain. I'm a guide here in Topsail Island, I operate Springtide Guide Service. I'm opposed to lease 23-040WC, and the reason why, this is an area that is very important to us. We've used this area for years. This spot where this lease is going, I fish daily on my charters. You know, it's, I mean, I hate, I hate to think that ten acres is going right here. There is a historical channel that runs right through this area for, you know, it's how we get in and out on a lower tide, that it is going to be right in the middle of. There's a lot of issues I have with it. I mean, I really, to be honest with you man, I hate to stand up here and oppose you right now. I really do think your family is wonderful. You've done a great thing. Your business that you got going. I'm like. I'm happy to see diversity and things like that grow, but part of your due diligence to get this lease is to go to people in the area and ask them, hey, man, are you gonna be affected? You know, me, I mean we've gone back a long way and you say we haven't come to you, that's your due diligence to come to us. And yes, I've fished that place for 40 years and my business was built as that area being one of them, so to think about losing this and I've got to go even further and all of us guides pushed into smaller areas. Already, we've lost a lot of water in our area. It's a hot bed. We've got moratoriums to the south. We've got moratoriums to the north. So, I understand why guys are having to come here, but that shouldn't be Surf City's problem. And, you know, ten acres, that's the size of I believe of the Harris Teeter parking lot. That's a big area. It sounds small when you put it like you put it, but I make my living on that, but now it's affecting my living and I want you to thrive, man but now, but we got to too and that is a very important area for us. I know a lot of people that use it, recreational. Otherwise, another issue that I've got with it is an erroneous report from the Officer. In the report, it says that, you know, it's too low of a water, the area is too low for most people to be able to fish. Well, we built our businesses around fishing with flats boats. If I can't get my boat in there, there shouldn't be a lease in there because I only need twelve inches of water to get in there and operate, and that's what twelve to eighteen is what we need for these areas, but this is one of the hottest redfish areas and trout in the area. If anybody had contacted me, I would definitely have given you that information. It is important to us. We need this for our livelihoods too. I want us all to thrive. I am very happy for your business, I am. But this one hits home to me. So, I mean, I hope you don't take this personal. It's no hard feelings, but this really does and is gonna affect my business majorly. Thank you.”

**Mike Loeffler:** “Thank you Mr. Brittain. Next, we have Jeremiah Batts.”

**Jeremiah Batts:** “My name is Jeremiah Batts, from here Those waters are where I grew up. I don't know what's wrong with the old ways. Why do we have to change and why does someone



have to move here and try to change us and what we're doing. Everything's working just fine like it is, and that's really all I got to say about it. Thank you."

**Mike Loeffler:** "Thank you, Mr. Batts. Billy Manger."

**Billy Manger:** "My name is Billy Manger and I oppose lease number twenty-three dash zero dash four dash zero WC. I fish in this area and we need more open water. It was supposed to have a shared resource. If you put ten acres and basically a fence around it, that's what the pots are, it's no longer a shared resource. That's all I have to say, I oppose it. Thank you."

**Mike Loeffler:** "Thank you, Mr. Manger. Next, we have Michael Oppegaard."

**Michael Oppegaard:** "Thank you, Mike. I rise in opposition to lease number 23-040WC, and 23-001BL, and 23-002WC. The blocking of this water prevents the public from using a public resource. And it directly affects our business as we move in and out of Waters Bay and when we talk about the twenty-three zero, zero two Pirate Oysters at the very south end, it affects our ability to access the backside of the marsh of Topsail Creek. We feel that we should perhaps have some kind of direction from the Division as to what the tipping point is in terms of the biological impact and the number of current leases we have in Pender County and Onslow County. We have reached a point, where as Mr. Batts said, the old ways and the bottom leases are no longer being used, everybody is going to a water column lease and it is blocking more and more surface area for the kayakers and the fisherman like me. Thank you for your time."

**Mike Loeffler:** "Thank you, Mr. Oppegaard. Aaron McMahon."

**Aaron McMahon:** "My name is Aaron McMahon. I live in Holly Ridge, and an Onslow County native. I'm just not, I oppose lease 23-040WC, for many reasons. Basically, I've fished there many years, and I don't like that Waters Bay is gonna have the floating situation going on there. It just, you know, the restriction, the bottom lease okay, we're able to fish around it, but, you know, where does it stop, you know, we let them come, who's coming next? And it's, it's scary and losing a lot of spots. So, I'm in opposition, thank you."

**Mike Loeffler:** "Thank you, Mr. McMahon. Next, we have Renzo Buenatto."

**Renzo Buenatto:** "Good evening, hi, my name is Renzo Buenatto. I'm a resident of Heron Cove, which is on Waters Bay and also representing the homeowners association of Heron Cove and we're all in opposition to the water column, which is 23-040WC on a number of grounds. It'll stop access as far as fishing is concerned for the particular area. It is ten acres in the location of which is directly in front of our houses. We have other concerns as to the loss of view or impact of piping and other things that will be out there for the water column and the farming, which would impact, possibly, our property values. That being said, we're not sure that if there's, you know, the lease value would make up for property values being lost. We also have concerns about the farming during the summers or other periods and how that's gonna impact from noises, from materials being in the water, and what that will do directly to our houses as we're right on that, that Waters Bay. Other impacts that we have concerns about are what type of seed they will be using. Will they be local? Would they be from other areas and would that be an environmental

impact? What's gonna happen at storms? Would there be anything if things broke loose, would they float into our areas. I did not see the full application online and was wondering if the department would actually publish the full application because there was certain of these items that were addressed in the application, but did not see that. For example, appendix seven calling for a diagram side view was not indicated in the study. Also, the executive, the two hundred and fifty feet from a developed area when I pull up the GIS system online for Pender County, mapping it out to the edge of the property closest to it. I'm not sure if that is two hundred and fifty and would like that to be clarified. And then the other thing was, the vegetation is currently vegetation, aquatic vegetation there. So, has CAMA approved that for that use of a water column as opposed to bottom leases. And the other effect would be if any of our property homeowners want to put in a recreational dock at any stage.”

**Mike Loeffler:** “That's your three minutes. Thank you for your comment. Next, we have Allyssa MacNair.”

**Allyssa MacNair:** “Hello, my name is Allyssa MacNair. I vote to approve lease number 23-040WC. I am Conor MacNair's wife and we own NC Oyster Company. We're looking to expand our farm to be able to grow more oysters and build our business to contribute to our local community and leave a legacy for the next generation of young farmers. I am grateful to be here today and to tell you about who we are and what we do, like our oysters, our growth has always been sustainable. After graduating from UNCW, we bought our first lease from Bill and Tina Muller of Nature's Way Farm and Seafood, who warned us, we would always have to fight for our farm. That lease was five acres and located in BC Bay. Since we have acquired existing leases from other fishermen who love what we are doing and support our expansion, we finally were able to purchase our headquarters on Old Landing Road where we own seven acres of beautiful land and have only consciously cleared one acre. Farming is a labor of love; one that we have poured our whole heart and souls into the last seven years. It is our livelihood, we are out there every single day rain or shine. At NC Oyster, quality is our middle name and what we work so hard for, often times with the baby attached our hip. We have a nationwide brand that ships directly to over ten Michelin Star restaurants. We were the first North Carolina oyster to be featured on a West Coast raw bar menu. We were the first North Carolina farm to be invited to attend Billion Oyster Party in New York City. We ship across the southeast and we were named top four craft oysters in the nation by Chef Magazine as well as featured in Garden and Gun magazine. Locally, we were featured in Topsail Magazine twice; one for our farm to table food service and another for the first ever Ocean Best Galla event we hosted at our oyster bar. I am on the Oyster South Board where I represent North Carolina and work to revitalize the southern oyster, connecting farmers and restaurants helping all to obtain the right price for the craft they grow. We host events at our barn and help to raise money for the NC Coastal Federation and Ocean Fest. We were acclaimed as an ocean friendly establishment this year with a compostable only moto. We employed ten people last year, one of which was inspired to go start his own oyster nursery. Our business supports over fifty local vendors and over six North Carolina Seafood purveyors directly. Conor and I specifically drive all around town to obtain these products and showcase them to the public. One word that I can use to describe us is pride. Pride in our product, pride in our state and community, and pride in our local seafood. Each decision we make is always environmentally considered. We use the most expensive and high-quality oyster equipment on the market made of HDPE plastics so there's no wear down or leaching of

chemicals. We are leaders and active in our community and protectors of our coast and want to inspire others to follow in the same footsteps. At NC, We believe we are the standard and want to send a good example for all oyster growers in our community. Our oysters do good for our environment, and we directly and positively affect fishing as well as purchase all of those fish. Thank you.”

**Mike Loeffler:** “Right on time. Thank you, Ms. MacNair. Next Michael MacNair. Wait a minute, you've already had your three minutes. Sorry. You almost snuck through, I almost gotcha. Steve Smith.”

**Steve Smith:** “Good evening, Steve Smith, Mayor of Topsail Beach and I'm here to oppose lease 23-001BL and 23-002WC. We have provided already a letter to the commission, the reasons for our opposition. We would like to say that in total we are in favor of oysters and agricultural growth, however, certain restrictions need to be understood and applied to follow the letter of the law. One is the jurisdiction of a municipality. If you look at recent statues that were just approved this past year under Chapter 160D and 160D-3903, the jurisdiction over agriculture and aquaculture does fall within the jurisdiction of Topsail Beach. And we asked that you recognize these legal issues and abide by those. The other issue that has been highlighted is the amount of use this particular area has by other, I'll say visitors to island are tourist, as well as our commercial fisherman. But also throw in, last year we had this, the Topsail Creek area, and this lease is within a hundred feet, application, within a hundred feet of Topsail Creek. It's up to the Corp of Engineers and the Town of Topsail Beach to keep this connecting channel open. We use a sidecast dredge, what happens with the silt and where is it gonna go? We know exactly where it goes. We've seen other problems when they're side casting that silt and where they have to put it. So those are some of the bigger issues around this particular lease. So do we expect there will be conflict on many levels, not only by the destruction of this particular lease, but also from the tourists we have here with their kayaks. There are other issues that relate to the density that we're seeing, growth. With the closure of all shellfishing south of us, and now the closure of many of the areas north of us, the density here is growing at a rate and it needs to be understood and scientifically reviewed and that includes understanding why we had the two die-offs of oysters last year. What is really causing these particular issues? Thank you.”

**Mike Loeffler:** “Thank you, Mr. Mayor Smith. Next is Steve Brewster.”

**Steve Brewster:** “My name's Steve Brewster, I live in Beulaville. I'm here to oppose lease 23-040WC. Mr. MacNair, it honestly turns my stomach to be here and oppose this. I think that what you do is the future without question, but we cannot put something in that is gonna restrict public access to a public trust resource. Yeah, that's all I have.”

**Mike Loeffler:** “Thank you, Mr. Brewster. Next, we have Tim Reagan.”

**Tim Reagan:** “Good evening, Tim Reagan. I myself have to [*Inaudible*] what you guys are doing and what you're trying to do and the work that you did and the passion that you put in, bar none just like Steven said, and just like I'd say, almost all of us in here that are opposing this. And that is what I'm going to say, I am opposing, I'm here in opposition of the lease 23-040WC. I fish this area. I live in Jacksonville. I am not a native to this region except for the fact that I've

lived here for somewhere around twenty-four years or so due to the Marine Corps. I eat y'all's oysters. The thing that we really run into, the hit here, that I think we've all tried to touch in some way or another, beyond the fact that we've got a way that we've got a historical waterway that we use, beyond the fact that we've got kayakers that are going to use this, beyond the fact that my boat only needs twelve inches of water to get in there to fish it. The problem is, and this is the huge elephant in the room, that we all are experiencing right now, is we're losing water. We're not gaining it. We're losing access to water. Steve hit it right on the head, whenever he talked about a public trust resource and whenever we're talking about the public trust resource, that clearly means that there are areas that I'm not going to be able to access. We want to be able to access those areas. We want you to be able to have what you and your family are working for. The problem is, when you do put that up, it will restrict the back access to that for us as well as also to my understanding, this could be very incorrect, but to the amount that I've looked at the turning over and the working of those farms also causes a lot of noise, it'll also kick up silt and it'll also change the water quality during that time that it's being, it's being looked at. For us that sight cast to redfish, for us that find ourselves in their top water working for trout, especially whenever we start looking at that, those warm days, what we find out is our gear gets tangled up in that. We try to stay out of it, we try to stay away from it, but we get it in the areas that have it, we get it everywhere else. If it was a bottom lease or if there was a way to rearrange that, that's where we need to go forward. If there's a way that can actually be accommodated to rearrange the selection, that's the way forward, and I think many of us here would be for that. Again, Tim Reagan, thank you for your time."

**Mike Loeffler:** "Thank you, Mr. Reagan. Next, we have Allen Butler."

**Allen Butler:** "My name's Allen Butler, Surf City resident, grew up here for forty years fishing the area. Opposed to lease 23-040WC and 23-002WC. I hate being opposed to things. I was excited about oyster farms when I saw them start coming around and I didn't know what was gonna happen. I thought it might help the fishing. Banks Channel has a lot of lot of them there, that's where I live, down that way. I fished that area, caught redfish since I was little there, I was excited, I thought there'd be more structure there, more fish. That area, other areas with water column leases, I'm not catching nearly, I mean, some of these places have completely dried up of redfish. I thought it would be more productive, it's less productive. I don't know why. I don't know if it's the noise or what's going on, or there's something that just doesn't make sense, it seems like they would have more fish there, but. The other thing that concerns me is, the old way of oystering was self-limiting as far as the nutrients in the water. If you got enough oysters there, they would slow down if they depleted the nutrients, the phytoplankton, and I think it's the calcium and, but I'm not a biologist. But when you bring biomass in from outside and have a large amount of biomass that wasn't there originally, I feel like there's a possibility for problems with the phytoplankton decreasing. And I actually looked it up online just trying to see if I could find a study, I did find a study out of France. Which, again, it's not here. But they had aquaculture and in a three-year period, they increased the aquaculture by twenty percent and they saw an eighty percent decrease in the actual native oysters. That was in like the late eighties. But I mean, I can get you that information if you'd like at the end of the meeting. And also, the other thing is the storms. I'm worried about, you see these everywhere and storms are gonna happen. I don't know how secure they are. I haven't, we haven't really had a big storm since they've

showed up, and I'm just concerned about where they're going to end up and who's gonna clean them up. So, but thank you for your time and once again, sorry.”

**Mike Loeffler:** “Thank you, Mr. Butler. All right, next we have Lori Stage.”

**Lori Stage:** “My name is Lori Stage. I'm a resident of Hampstead and a recreational kayak fisherman. As a kayaker, I'm limited in the areas that I can reasonably get to, to fish. Thus, I often use the landing at Old Landing Road most often to fish the Waters Bay area. I am not opposed to bottom leases per say, but I am vehemently opposed to the water column leases due to the loss of surface area for us kayakers to fish, the potential negative effects to the ecosystem, and just the general loss of recreational use for that area. I support and encourage small business when it makes sense and doesn't hurt the environment nor when it infringes on others. This lease would potentially negatively affect the ecosystem and absolutely infringes on the rights of recreational fishermen to fish these waters. Thus, I am opposed to the granting of the leases to 23-040WC. Thank you for your time.”

**Mike Loeffler:** “Thank you, Ms. Stage. Next is Dustin Heath.”

**Dustin Heath:** “Hello, my name is Dustin Heath, a resident of Hampstead, North Carolina. I'm here to oppose the bottom leases, or the water column leases, of 23-002WC, 23-040WC, and 23-001BL. Like everybody said, I feel like everybody's kind of hit on it before but, great fishing spot. I don't want that to be hindered by these farms per se. They also are a hindrance to navigation, and I also wonder, you know, like you said earlier, you're out there on a daily basis and the bottom that you're disturbing on a daily basis, it can't be good for the ecosystem and, you know, turning up and, you know, disturbing the grasses that live there and everything like that. I also have fished around these contraptions before, and it also pains me to see the trash that's left around them and the leftover hardware from some of the things that, you know, is left out there. I realize, you guys can't be perfect, but we do see, you know, you look on the bottom and you see pieces of leftover hardware and traps and stuff like that. Also, I live actually next to a commercial oysterman. He does oystering off the bottom and he was telling me there is a concern for these oysters are all sterile that are, that are raised like this and yes, oysters do filter water, but there's also the aspect of the oysters that are taking all the nutrients and spat from our native clams and oysters. These oysters are not only taking this spat, but since the sterile oysters that are being grown do not reproduce, they're eating all of the spat from our native stuff and it's not being replenished through the oysters that are being grown here. And finally, I mean, look at all these people that are, that are showing up for this. We're gonna literally give this away for, for one cause as opposed to all the people that are here that enjoy this resource, and I just, I'm concerned about the precedence that this sets if we do this, all the bays that we are, that are around here already have some of these things. So, if we don't stop it here it's just gonna keep on getting worse and worse.”

**Mike Loeffler:** “Thank you, Mr. Heath. Next, we have Kimberly Brownfield.”

**Kimberly Brownfield:** “Ready, hi, my name is Kimberly Brownfield and I agree also to, I'm opposing lease number 23-040WC, lease number 23-001BL, and 23-002WC. My opposition is not against oyster farming, I think ground leases are absolutely perfect for our ecosystem. I

concur with Captain Lee, Ethan Bilderback, and Captain Ray Brittain as well. I'm an avid kayak fisherman, I spend an exorbitant amount of time on the marsh, especially between Morris Landing, where I put in and Waters Bay, that whole area there. Like Ethan, I'm six inches from the bottom. I see how the ecosystem, everything holds hands with each other, it all ties together. Blocking, you know, ten acres of, seems like a small amount when you look at the grand scheme of things, but for that ecosystem there, it is everything. That one, even though you can say you can navigate through, you know, twenty- five-foot channels between the beds or whatever, it's not reasonable to think you would. It's the ecosystem that lives there underneath that, that it affects and takes away from. Let's see, I'm sorry, I didn't have a lot of time to prepare. I got here last minute. But again, putting those, when you have such a limited area in those flats. It's highways, it's not just the flats and you think it doesn't affect because it's not in the waterway itself. It is an absolutely huge ecosystem and there's little highways that navigate through the way the bait travels and again, fishing around these, people said that you're able to fish around these structures and it draws, it doesn't, it takes away from it. I personally don't like to fish around it because one, like you said, I did see a lot of hardware, there's a lot of lures and things and I've found fish with lures... sorry, I feel like I'm just trying to cram so much in, but I do agree with Mayor Smith. I agree with everyone here, that spoken ahead of me. I absolutely love and respect the marsh ask you please not to put those leases there.”

**Mike Loeffler:** “Thank you Ms. Brownfield. Next, we have Adam Wallace, that'll work. I was going out there. I was going out there.”

**Adam Wallace:** “All right, good evening. My name's Adam Wallace, I live in Hampstead. Like a lot of guys here, I'm a local guide and I'm here to oppose lease 23-040WC. I don't want to come up here and beat a dead horse. Everybody in this room has got to make a living and a lot of us make our living on the water. But what's the waterway gonna look like in ten years from now. Last year we had a meeting over on the island about leases. Correct me if I'm wrong, I believe those are still pending, but now we're here talking about ten acres. It's ten acres today, what's it going to be next year? Twenty, thirty, forty, is it gonna stretch from, you know, New River all the way down? What's going to happen to the fishery? Because anything you put in the water, it's going to change the dynamics of the fishery. Fish are going to move, they're gonna leave. Waters Bay, you know, those fish school up there in the wintertime and in the summertime, you know, if you keep adding outside, you know, cages, that the top leases you are changing the, the ecosystem whether you say yes or no, anything you add to the water is changing the ecosystem. But, you know, my biggest thing is when is the Marine Fisheries gonna put the fishery first? When is North Carolina really gonna say, hey, look, we need to do something about our fisheries because we're failing. If you look at Florida, places like that, that have put conservation first, besides, you know, red tide and all, you know, the issues that they have down there, but, you know, we have to put conservation first if we want the next generation to be able make a living on the water, because if we don't, your kids, my kids, there's not gonna be anything left. That's all I have to say. Thank you.”

**Mike Loeffler:** “Thank you, thank you Mr. Wallace. All right, next is Stan Griffith.”

**Stan Griffith:** “Yes, my name is Stan Griffith. I live here on the island; I live in Surf City. I rise to oppose lease number 23-040WC and 23-001BL and 23-002WC. My first interest is in red

fishing. I like to red fish, these places are great to red fish, I haven't won awards about my red fishing, but I'm a pretty good fisherman and I can tell you that everywhere these leases have gone in, the fishing has gone down. The fishing has gone down. I'm sorry, I hoarsed up on you. I do have, I guess some people could call extensive training, I'm a veterinarian. I trained at the University of Georgia. I also did postgrad work at the CDC in Atlanta. Overpopulation is poison. We are overpopulating our area with oysters, and we will pay the price. Probably some of that price already was paid by the die offs last year. I don't care if you get too many oysters, too many chickens, too many people, too many deer, it doesn't matter. You cluster them and infections occur. They can be bacterial, they can be viral. They can also be a thing called Prions, which are scary little devils that are killing the deer now, and also are transmittable to people. I think we need extensive research and constant monitoring on what's going on. Thank you."

**Mike Loeffler:** "Thank you, Mr. Griffith. David Peed."

**David Peed:** "My name is David Peed, I live here on Surf City. I want to oppose lease 23-040WC, 23-001BL and 23-002WC. It's got to where you ride down the waterway and you're looking for a place to fish and all you see is metal cages. No fish, no area to get in there and fish. I don't want to be in that man's gear, he don't want me in his gear, and the fish don't want to be there. So, I wanna go on record as opposing it. I think we've got enough. We need to study it, there's gotta be a better solution, but I want to stand and oppose it."

**Mike Loeffler:** "Thank you, Mr. Peed. Next is Cary Chappell."

**Cary Chappell:** "I'm Cary Chappell, the third owner of Ghost Fleet Oyster Company. I own it with Cody Faison and Rachel Faison, and I approve of the leases that are being opposed, being in question. I can honestly say that Conor and his family worked really hard to get the oysters that they have, to provide for the restaurants, community, and the people. They have a nice facility that they work out of and they bring in tourism, as an oyster farm we bring in tourism. We do other stuff; we recycle oyster shells. So, the oyster shells we sell at restaurants, Conor sells at restaurants, everybody sells, we recycle those oyster shells. We work with Coastal Fed and put them back in the water to help the wild oysters reproduce in the wild. To the fisherman, I understand and I'm a fisherman myself, I love to fish. But on a day-to-day basis, when we're out on our farms, I see fish in our leases, around our leases, in our leases. I don't understand why, if they're not biting, I can't understand that. I fish around our lease still; I catch fish around our lease. Fish move, that's all I can say, they move around from place to place. I'm sorry if we're affecting y'all's fishing, but everybody has to get along, we all have the right to make a living on the water and I just want to support Conor. Thank you. That's all I got."

**Mike Loeffler:** "Thank you, Mr. Chappell. Next we have Chris Matteo."

**Chris Matteo:** "Thanks for having me. I have three minutes so I'm going to talk very quickly here. I'm president of the North Carolina Shellfish Growers Association, vice president board member of East Coast Shellfish Growers. I have three farms in this state and a seed nursery. Here tonight to help educate the public. I've heard lots of stuff tonight that's just not factually correct. So, I'm trying to help with that scenario. First of all, the leasing program is 162 years old, and one of the biggest things that people have said tonight is they don't, they're not against

bottom leases, but they're against column leases. Well, bottom leases can have gear up to eighteen inches tall and in Conor's case, the ten-acre lease, the water's not that high. So, whether it's a water column or a bottom lease, it's impacting the same way on navigation and on access. And water columns can be accessed, we can't restrict access to water column leases or bottom leases, something else I heard tonight. So, there's no opposition to bottom leases, but just know, not opposing bottom leases gives anyone the right to put eighteen-inch gear in that bottom lease. So, in Conor's case, basically whether it's a water column or a bottom lease, he's taking up the whole column. So really, he already has the lease, it's a hundred years old. So, you guys can't deny that lease. All you can do is make it difficult for him to use the type of gear he wants to use. It doesn't affect the view shed, it would affect the view shed the same as the bottom gear. As far as damage, if you boat through a bottom cage lease, you know, bottom lease or water column lease, the boater is liable. As far as insurance goes, there's a lot of product liability. I'm heavily involved in the insurance side of this business, if you want to talk to me afterwards, I'll be available. I don't want to get too far into the weeds on that topic. There's been plenty of research being done up and down the east coast, west coast, on floating gear. I implore you to go find it. We're the last ones to this game, we're not the first, nothing else needs to be studied. Now the moratoriums, there's been unintended consequences. My advice to the people in the public hearing would be to talk to your representatives, talk to your Mayors, get them to fight the Bogue Sound moratorium, the New Hanover, and people will go elsewhere. And, you know, work with us to push people elsewhere. There's fourteen acres in commercial production in Bogue Sound, which is forty- five thousand acres. Let's see, sorry, chicken scratch here. These are state waters, they are not local waters. Sorry, I mean, may have slipped some legislation in, but Farm Bureau will probably have something to say about that. We are farmers, CAMA has no jurisdiction over us, neither does the CRC. No evidence of real estate values going down. In fact, we have researched to the contrary. Die off; so, I was actively involved talking to the state pathologist, NC Vet School for the last three years. I'm about as informed on this topic as anyone, and it has nothing to do with overpopulation. Thanks." [Time up, was cut off]

**Mike Loeffler:** "Thank you, Mr. Matteo. Next is Eustace Wood."

**Eustace Wood:** "My name's Eustace Wood. I graduated from North Carolina State University with a fisheries degree in zoology. I'm a crabber, I've been a crabber for a long time. I'll do a little bit of fishing. I'm opposed to lease 23-040WC only because they want a vertical lease. The areas that are taken up with vertical lease, I can't use them anymore. They can say what they want to, you're not going in there, you're not gonna get too close to them because you just can't maneuver around them, you just got to stay clear of them. And there's getting to be too many of them, and I applaud him for his business, that's great, you know, Stump Sound has got famous oysters. But one of my other objections to these vertical leases are the potential for somebody getting hurt on them. It's a stormy night, somebody's trying to come home. Where's the safety? You know, they don't have lights on them. They've just got a bunch of PVC and steel cages out there and I've actually encountered one of the steel cages. I guess the guy lost it during the storm and it damaged the propeller. So, there's potential there, and there's areas that I think that those kind of leases work, but the areas that are really close to downtown Surf City, we have ninety to a hundred thousand people here on the island in the summertime and it's too crowded for that kind of lease. One of the other objections I have is, I'm not sure if they're having some sort of bad effect on the food chain. I know they ingest phytoplankton and zooplankton, so maybe



they're taking in some of the crabs as zoea in the early part of their life cycle. Maybe that's not good for my business. But anyways, I'm opposed to that lease because it's a vertical lease. Thank you."

**Mike Loeffler:** "Thank you, Mr. Wood. Next, we have Tim Wilson."

**Tim Wilson:** "Hello, I'm Tim Wilson and I'm the owner and editor of Saltwater Angler Online Magazine. Live in Wilmington. A lot of my friends are here tonight. A lot of my guides are here tonight, and I see so much wrong with this. And I, while I really like and approve and support entrepreneurship, which I'm one too, we have to also look at some of the impacts of what we're doing or how we're doing it. The problem I see here is...one thing I will say before I forget it is, I am against amendment, 23-040WC. I see so many things wrong with this. I see us taking what has been a really good opportunity for people just like this to make a good living with his family. That's a great thing. And now we're taking it to a different level. When you have the poles sticking out, you have the danger of running over these things, you have the lack of being able to use those areas. It's gonna have a trickledown effect, while it may serve very well for a small portion of our community or this community, it detracts from the rest of the community because initially, you're gonna start losing tourism, that's a multi-billion-dollar industry in this state. You're gonna see the hotels, local hotels, start declining. You're gonna see the local restaurants in some respect start declining, because those people come from outside North Carolina. They don't really know what's going on here. You know, they come in, they like to kayak, it's gonna limit that. They're gonna go and want to be out on some of these guide boats that these guys talked about tonight and they're gonna be restricted. So, then the next thing, you know, it goes to the tackle shops and they're gonna start to decline. So, there's so much here that we have to look at. It's not the problem of actually harvesting, it is the problem with the water column aspect of it. Thank you very much."

**Mike Loeffler:** "Thank you, Mr. Wilson. Next, we have Brody Durako."

**Brody Durako:** "My name's Brody Durako and I've been fishing these places since I was two years old and I want to show like my dad showed me these places and I really want to show my kids this. And once on these water leases are here, I won't be able to show these to my kids."

*[Father to Brody, who is a child]* **Mr. Durako:** "Yeah, we just want to go on record and say that we oppose these leases and we've watched them ruin our fishery up and down the waterway over the past few years. And we're losing water for a few parties to profit and we just completely disagree with it. And we just want to go on record and say that we're just recreational fishermen and we've just lost, you know, more water after more water, and if we don't stop now, you know, there'll be nothing for the future and that kind of matters to me. So we just want to go on record, we oppose all bottom leases, all water column leases through Waters Bay and the rest, you know, just, you know, I think the ones that are already there should be taken out and need to be a lot more research done because they definitely impact our fishery for a few parties to profit, and that's not okay because it's a public resource, but thank you very much."

**Mike Loeffler:** "Thank you both. Next, we have Cameron Kuegel."

**Cameron Kuegel:** “Good evening. I opposed the water column lease of 23-040WC in Waters Bay for ten acres. I think the public needs to look at this interactive map they've got online and see how many leases are in Surf City going up to New River. It's painted, it's light green and dark green. You got proposed and already in there. I see these leases in the New River or some up by Traps Bay. These fellows in this room are some of the most respectful folks I've ever met and we give a wide berth for these leases. More and more I've got to navigate, I don't even try to get near them. When a storm hits, where's all that gear going to go? Is it gonna be in the bottom of the channel for the shrimp trawlers to dig up? I don't think there's a lot of regulation going on. The state is just letting this wide open happen. This is a water column lease. I mean, I'm out. I started seeing these things pop up a few years back. I call some of these fellows I see in the room. What is this? That's an oyster farm. What's wrong with the bottom? Like Mr. Batts says, the old ways, get out there and dig them things up. Get your hands dirty man. I don't know why the state's just letting free range. I can be in the New River up in a little creek with Mr. Paliotti and you got one guy throwing a throw net and all the fish are gone. So, you think a guy coming out there every day, turning these traps over, them fish are not gonna be there. These guides, I feel for them. They take these people out on these boats. They're throwing lures left and right, they're not gonna fish around these things, they'll be tying knots all day. I oppose these water column leases, 23-040WC. I think that the state needs to look into this. I think everybody needs to get online and look at these maps. I don't see any up there in Bogue Sound. I just found out why, they got a moratorium. We might need to get talking to your local leaders and get a moratorium. So everybody's pushed down this way now, that's why they're all here. So, should we get a moratorium? What's going to happen? How long are your leases for? A hundred years? When your lease is up, that's up, you know what I mean? It's, that's it. It looks like a great experiment, looks good on paper, when you're out there on them boats. I go out there a lot and start to see more and more of them. I don't want to see any more. So, I think these water column leases, the old way was the bottom lease get out there and dig them up like everybody else. I recreationally get me a bushel every now and then. Thank you.”

**Mike Loeffler:** “Thank you for your comments, Mr. Kuegel. Next is Evan James.”

**Evan James:** “Hey, I'm Evan James. I'm in favor of more leases because this is a tragedy of the commons. We all, we all share whether it's land or water where they're hunting and fishing. And I feel like if there's good research on it, we should keep it going. I mean, maybe there should be a requirement to put in more shell and spat so that like we know that there's the native stuff is reproducing on the shell that's dumped in there and like, Ghost Fleet is putting a lot of that stuff out there with the NC Coastal Federation. I think that's great. Like, even if the oysters are sterile, there's still stuff, there's structure in the water, like they're gonna be eating like rotifers and all the stuff at the bottom of the trophic levels, but like fish move. There's fish, fish go where structure is, you know, if you're not, you don't have to fish on them. Fish are gonna be moving around always, you know, maybe the dolphins are eating all the fish and the redfish. I have a small farm in Surf City and like I farm in the land, but it all trickles down to the water. I don't use chemicals or poison because I know it's gonna end up in this water. You know, I look out for the environment as much as I can on land because it goes down and I think if the state isn't doing the due diligence and the research on these water column leases and the bottom leases they should get on it. You know, if there's all this development because we don't have moratorium, we need to, you know, start researching that and do like for both sakes, whether it's the fisherman or

the water column or the bottom leases. So, I'd like to be on record as being in support. I think these guys bring a lot to the community. They're young businessmen and women and, you know, we're, there's actively like oyster tourism, now that there wasn't before. Like, people don't realize that the old ways are destructive. You're out there, knicking and knocking all day and breaking stuff up. Like the old ways, people aren't planting more oysters. They're just breaking stuff up and disturbing these beds, so like the spat is resettling on them, but the new ways people are actively putting more stuff in. And putting more spat, building up bars and reefs that weren't there that were getting silted over. So, I think it's an ongoing thing. We just got to keep it going and keep researching the best ways to do it. You know, there's benefits and there's negatives of every type of farming. Thank you, bye.”

**Mike Loeffler:** “Thank you, Mr. James. Sean Mentee. Sean P? Is there a Sean here who signed up at the very end that would like to speak? He had to leave? Okay, thank you. Okay, so that completes our in person portion, but bear with us. I'm gonna turn it over to George in the back and he's gonna go through those online that wish to speak that have signed up to speak once we're done with those folks, then we will come back and ask if there's anybody who has not signed up to speak that would like to speak tonight. So, George.”

**\*Message posted in WebEx chat\***

*Raising Your Hand*

The way you raise your hand depends on the device you are using to attend this meeting. If you are attending this meeting online on a regular computer, you raise your hand by clicking on the little hand icon at the bottom of the Participants panel. If the Participants panel is not up on your screen, look for an icon of a person – it may be at the bottom or top of your screen, and click on it. That should bring up the Participants panel.

If you are attending online with a mobile device, such as a smart phone, you'll need to click on the three little dots and then the hand icon.

Either way, once you have finished speaking, you will need to click on the hand icon again to lower your hand.

If you are calling in to the meeting by telephone only and do not see a screen, you can raise your hand by dialing \*3. You will need to hit \*3 again to lower your hand.

**George Stilson:** “Thanks Mike, I didn't have anybody earlier that indicated they wished to speak, but I understand that I may have missed some people, or some people may have joined after the meeting started. I've posted instructions in the chat on how to raise your hand, for those calling in please dial star three. If I missed you and you'd like to speak, please raise your hand on Webex. I'll request to unmute you and then you'll unmute yourself. So just please raise your hand if you wish to speak. All right, Bill Walton, I'll unmute you. And please unmute yourself.”

**Bill Walton:** “My name's Bill Walton, I'm a PhD from the University of Maryland. I've worked with shellfish aquaculture for probably two decades now, and I just wanted to chime in. I certainly understand the concerns about the public about the view shed, but I do want to emphasize that many of the concerns expressed about the impacts on the environment, that there's a tremendous body of literature now in the scientific literature that shows that shellfish aquaculture is going to have net positive effects on the ecosystem. In fact, we would expect

probably more fish and more crabs in the system. I don't think we've documented that somehow shellfish aquaculture harms local resident populations. So, I just wanted to, you know, chime in that I think that there's lots of data that shows that these structures in the water are typically enhancing the environmental benefits.”

**George Stilson:** “Thank you, Bill. And Paul Spiers, I understand that you have requested to speak, but earlier we did ask you if you wanted to speak but you have not had your three minutes so I'll give you your three minutes. And I've requested to unmute you.”

**Paul Spiers:** “Hi, good evening. Earlier this evening, Mayor Smith addressed some concerns with my oyster lease and I want to do everything possible to, you know, make our local residents happy, but there were a few things that were confusing to me. Because he mentioned that I'm a hundred feet of Topsail Creek and I'm actually by Howards Channel. And so, I just want to clarify those things that to make sure that everybody has the most accurate information. And additionally, there are three separate navigational channels for kayaks and flat bottom boats where my lease is, to go around the lease and fish for the redfish or whatever else. Where the lease does not impede them in any way, shape or form. Thank you very much.”

**George Stilson:** “All right, that looks like everyone that wishes to speak. Again, this is the last call. If you'd like to speak, please raise your hand. Okay Mike, that looks like that's it.”

**Mike Loeffler:** “Thank you, George. Is there anyone else here in person who would like to comment on any of the proposed shellfish leases tonight? I see none... [*Cody Parrish indicated they wished to speak*]. You can have three minutes, state your name please.”

**Cody Parrish:** “Thank you sir. My name's Cody Parrish. I'm the assistant manager for NC Oyster Company. My job is to produce our oyster seed with great quality and great health. With our seed, I've heard the concern that our oysters are eating the wild spat. That has been disproven multiple times throughout the years and our oyster seed is not only is contributing to the spat, but we are encouraging more spat in our areas. Our oysters, we do grow these sterile triploid oysters which are better for summer quality control. However, we do grow the diploid oysters, which will produce wild oysters and we do grow the local varieties. We grow Stump Sound, Cedar Island as well as we work with UNCW's hatchery to further produce wild oysters in our area. I understand everyone's concerns, but not only the fact that we are growing these wild oysters, as well as our farmed oysters, we want to help everyone not only grow, but improve what was here before and very specifically, the oyster population is not like it was a hundred to a hundred fifty years ago. The old ways are great, and from Johnston County, we're dealing with the new ways clashing with the old ways quite frequently. However, the old ways aren't always the best in terms of reproducing for future. Albeit one or two people, yes, you can harvest extremely well. Families can harvest extremely well. But if all of the visitors and everything were to come in and try to harvest, eventually there would not be enough oysters for everyone and that can be seen if you look back historically in other places where the demand got so high that they were stripping these wild reefs, completely. Thank you very much.”

**Mike Loeffler:** “Thank you, sir. Anybody else who has not had a chance to speak tonight, that would like to do so, now is your opportunity. Not hearing any. I'm gonna take a minute and go

off script and I'm gonna say that I've been to a lot of public hearings with this agency and I just want to commend all of you for showing up, participating in the process. That's what this is all about, it's about the process, coming and speaking for, or against. But providing your comments and doing it in a very respectful way. So, thank you all for attending our hearing tonight. With that, the time of closure is 7:30 PM. Thank you all very much. And George and I are here if anybody has any comments or discussion, please come up." *[End of recording]*

**Closure: 7:30 P.M.**