

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

*February 28, 2023*

*Present:* Owen Mulvey-McFerron – Program Coordinator, Shellfish Lease Program  
Teri Dane – Shellfish Lease Biologist  
Marla Chuffo – Administrative Specialist I  
Elizabeth McCormick – Staff  
Dustin Walters – Staff  
Anthony Frost - Staff  
Scottie Tripp – Staff  
George Stilson – Staff  
Robert Farnell - Staff  
Patricia Smith – Staff  
Zach Harrison - Staff  
Garland Yopp - MPO

*Attendees:*

Richard Thomas, Josh Thomas, Connie Everett, Helen Yarber, Steve Smith, Andrew Wade, Megan Clausen, Jacob Anderman, Ryan Gadow, Evan Gadow, Mandy Uticone, Ben Uticone, Gary Williams, Thomas Cannon, Burr McLawhorn, Cyndi Brown, Kevin Brown, Chris McGeorge, Joe Paliotti, Drew Whitt, Rachel Corbett, John Workman, Tom Workman, John Fedder, Gretchen Colligan, Stan Griffith, Jan Farmer, Read Samples, Jon Salrant, Bob Carr, Allen Jernigan, Rupert Brown, Lee Parsons, Ray Britain, Joe Karle, Michael Opegard, Chris Matteo, Shane Bartos, Daniel Batts, Jeff Rudolph, Eric Corbett, Henry Murray, Dan Vote, George Mason, Jason Merrill. (via WebEx/phone) Alex Brown, Ann Brassard, Stormy Gale Fishing, T S, Chi Quan, DJ, Drew, Jason Walsh, M Thomas

*Meeting:* 28 February 2023, 6:07-7:12 PM via in Person and WebEx for Onslow County proposed shellfish lease. Location at Town of Holly Ridge, Community Room, 404 Sound Road, Holly Ridge

*Applicant(s):* Robert Ryan Gadow, Clarence Grant, Mandy Uticone, Shad Funk, Julian Fenner, Thomas Cannon, Andrew Wade, Burr McLawhorn, Hershall Kevin Brown, John Thomas

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**I. Meeting**

At 6:07 pm the public hearing was called to order by Owen Mulvey-McFerron:

“I’d like to welcome everybody and call this Shellfish Lease Public Hearing to order. My name is Owen Mulvey-McFerron, and I am the Shellfish Lease and Aquaculture Program Coordinator of the North Carolina Division of Marine Fisheries. I will be serving as the hearing officer tonight.

The purpose of this public hearing is to receive public comment on the proposed leases in Onslow County. Site investigations by Division staff have determined that these proposed shellfish leases generally meet the standards for shellfish leasing under NC General Statutes and NC Marine Fisheries Commission rules. 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 WebEx. PowerPoint slides presented tonight are also available on the Division's website for those participating by phone. This hearing is being recorded and is a public record. All verbal comments, chats, messages or other written communications between members of the public body regarding the transaction of the public business during this meeting are deemed a 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 Jacksonville Daily News on February 7<sup>th</sup> and February 14<sup>th</sup>, 2023, and on the Division's website. No decisions will be made at tonight's hearing. This hearing is also not a dialogue or a forum. Any discussion or discourse should be held until after the hearing concludes. Written comments on these shellfish leases can be submitted to the Division by 5 o'clock tomorrow evening. If you wish to speak tonight, you'll need to sign up on the list at the door on your way in. If you are not already on the speakers list, I will ask if anyone else wishes to speak at the end of the meeting at which point you may provide comment and then we will ask that you sign the speakers list. After we get through everybody who is signed up, I'll ask if there is a final call for anyone who wishes to speak, at which point you can comment and then we will add you to the roster. Now we will do a roll call for the folks participating on Webex or by phone. Please be advised, all participants will be recorded. Teri has been taking attendance as people have signing in and she will now finalize that."

**Teri:** "Thanks Owen. I've been taking your names for our attendance records and asking who would like to speak as you have been signing in. Right now, I would like to call on a couple of people that I need to take attendance for. Ann Brassard, would you like to speak tonight?"

**Ann Brassard:** "Ah no, just listen"

**Terri:** "You're just listening, ok. Thank you. Zach, would you like to speak tonight?"

**Zach Harrison:** "No, thank you."

**Terri:** "I believe that is everyone, Owen. No, there's one person that just signed in, but we can get them later."

**Owen:** "Thank you, Teri. As a reminder, no decisions will be made at tonight's hearing. All public comment received tonight and during the public comment period will be taken into

consideration. I will first 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.

Comments from all speakers including the [shellfish] lease applicants should be limited to no more than three minutes. I will indicate when you have one minute left by holding up one finger and when your time is expired, I will hold up my hand at which point I will ask you to wrap up your comments and please return to your seat. If you are participating online, please mute your microphone after you finish speaking.

Once called, please come to the podium, state your name and any organization you are representing, where you are from, which lease or leases you are commenting on, and then your comments. Please direct your comments to me and not to the rest of the audience. Please be courteous and respect all people who are here tonight to speak. If you are discourteous or disruptive, I will ask you to leave. If anyone has questions about issues not directly related to the proposed leases we are discussing tonight, staff and I will be available after the hearing to answer those questions.

With that, I will read the information on the proposed shellfish leases:

First, we have a 1.01-acre shellfish bottom and water column lease applied for on July 20<sup>th</sup>, 2021, by Three Little Spats Oyster Company, agent Robert Gadow, located in New River, below the 172 bridge. The management plan indicates the use of floating gear for the commercial production of oysters. Division staff conducted a site investigation on July 25<sup>th</sup>, 2022, which found 0.35 bushels of shellfish per acre and zero submerged aquatic vegetation, which I will refer to as SAV for the rest of the hearing.

Next, we have a 9.15-acre shellfish water column lease applied for on June 30<sup>th</sup>, 2021, by GOH2, LLC, agent Clarence Grant Jr., located in Alligator Bay. The management plan indicates the use of cultch, bottom gear, and floating gear for the commercial production of oysters and clams. Division staff conducted a site investigation on March 14<sup>th</sup>, 2022. No samples were collected because the proposed water column lease overlies an existing shellfish bottom lease.

Next is a 5.3-acre shellfish water column lease applied for on March 23<sup>rd</sup>, 2022, by Carolina Beach Oyster Company, agent Mandy Uticone, located in Spicer Bay. The management plan indicates the use of floating and bottom gear for the commercial production of oysters. Division staff conducted a site investigation on April 25<sup>th</sup>, 2022. No samples were collected because the proposed water column lease overlies an existing shellfish bottom lease.

Next is a 3.93-acre shellfish bottom and water column lease applied for on March 28<sup>th</sup>, 2022, by Shad Funk located in mainland areas near Topsail Sound. The management plan indicates the use of floating gear and cultch for the commercial production of oysters. Division staff conducted a site investigation on May 11<sup>th</sup>, 2022, which found 2.98 bushels of shellfish per acre and 1% SAV.

Next, a 3.90-acre shellfish bottom and water column lease applied for on March 28<sup>th</sup>, 2022, by Julian Fenner, III, located in mainland areas near Topsail Sound. The management plan indicates

the use of floating gear and cultch for the commercial production of oysters. Division staff conducted a site investigation on May 18<sup>th</sup>, 2022, which found 0.34 bushels of shellfish per acre and zero SAV.

Next, a 9.02-acre shellfish bottom lease applied for on May 2<sup>nd</sup>, 2022, by Thomas Cannon, located in mainland areas near Topsail Sound. The management plan indicates the use of cultch and predator nets for the commercial production of oysters and clams. Division staff conducted a site investigation on June 13<sup>th</sup>, 14<sup>th</sup>, 16<sup>th</sup>, and 20<sup>th</sup>, 2022, which found 1.02 bushels of shellfish per acre and zero SAV.

Next is a 2.09-acre shellfish bottom and water column lease applied for on June 15<sup>th</sup>, 2022, by Wade Oyster Farm, LLC, agent Andrew Wade, located in New River, below the 172 bridge. The management plan indicates the use of bottom and floating gear for the commercial production of oysters. Division staff conducted a site investigation on July 26<sup>th</sup> and August 5<sup>th</sup>, 2022, which found zero bushels of shellfish per acre and zero SAV.

Next is a 4.10-acre shellfish bottom lease applied for on June 6<sup>th</sup>, 2022, by Burr McLawhorn, located in mainland areas near Topsail. The management plan indicates the use of cultch and predator nets for the commercial production of oysters and clams. Division staff conducted a site investigation on September 8<sup>th</sup>, 2022, which found 2.3 bushels of shellfish per acre and zero SAV.

Next is a 1.42-acre shellfish bottom and water column lease applied for on July 12<sup>th</sup>, 2022, by Hershall Kevin Brown, located in Bogue Inlet. The management plan indicates the use of floating and bottom gear for the commercial production of oysters and scallops. Division staff conducted a site investigation on August 18<sup>th</sup>, 2022, which found zero bushels of shellfish per acre and zero SAV.

And last, we have a 0.98-acre shellfish water column lease applied for on July 18<sup>th</sup>, 2022, by John Thomas, located in Seaside Areas near Permuda Island Bay. The management plan indicates the use of floating and bottom gear for the commercial production of oysters and clams. Division staff conducted a site investigation on August 23<sup>rd</sup>, 2022. No samples were collected because the proposed water column lease overlies an existing shellfish bottom lease.

Now, I am going to call the applicants and give them an opportunity to speak on their proposed shellfish lease. This is not a requirement of the applicants. Please limit your comments to three minutes and once your three minutes are up; we will move to the next speaker.”

Owen: “So first, I would like to call on **Robert Gadow.**”

*[Declined comment]*

Owen: “Alright, thank you. Next, I’ll call on **Clarence Grant Jr.**”

*[Not present]*

Owen: “Alright, next I will call on **Mandy Uticone**”

*[Declined comment]*

Owen: “Alright, next I would like to call on **Shad Funk.**”

*[Not present]*

Owen: “Next I will call on **Julian Fenner III.**”

*[Not present]*

Owen: “Next I’ll call on **Thomas Cannon.**”

**Thomas Cannon:** “Hello, and thank you for having us here today and putting this on, and for everybody to come out and voice their opinion and I just wanted to say that I’m going to make sure that my lease is easily navigable for everybody and that anybody that wants to access it has complete access to it. They’re more than welcome to fish and put nets out and crab and all of the wonderful things that they can do now on that area, I would like them to be able to continue to do, except for the harvesting of shellfish and potentially seaweed in the future. And I just thank you for hearing us out. And I hope that everybody will understand that we’re going to increase the productivity of the area, a thousand times because there’s one bushel per acre, we now we can grow a thousand bushels per acre, if at full production and thank you very much.”

**Owen:** “All right. Thank you, Mr. Cannon. Next, I would like to call on **Andrew Wade.**”

*[Declined comment]*

**Owen:** “Thank you. Next, I would like to call on **Burr McLawhorn.**”

**Burr McLawhorn:** “I just want to say first thing, thank you for everyone coming out to hear me. Secondly, thank you to everyone that gave me positive comments last year. In my mind the best way to renourish and regrow the oysters in this area is through elbow grease and dedication. We’re going to nurture nature, going to grow wild oysters on the bottom, cultured oysters in the floating cage[s]. We have a brand-new strategy for bird mitigation. Mostly it has to do with providing osprey nests. Here lately around our farm, we’ve had some owls nesting in the osprey nests. So, I think that if we give opportunity for birds of prey to come within our leases, it will help on the bird mitigation strategy. I’m doing this because I love it. My grandparents, both sides, were oyster people. I grew up with boats. This is my natural habitat, so please help me grow the best oysters, revitalize what has been strip mined over the past few years. So, I just want to do my best. Give everybody a little bit of my elbow grease and let everybody know that growing oysters is really important. Thank you.”

**Owen:** “Thank you Mr. McLawhorn. Next, I’ll call on **Hershall Kevin Brown.**”

*[Declined comment]*

Owen: "And last I will call on **John Thomas.**"

*[Declined comment]*

Owen: "All right, so now I'll call in the first speaker. I'd like to remind the speakers to limit their comments to three minutes. Please state your name, where you're from, if you're representing any organizations, and then the specific lease that you are commenting on and then of course your comments. If you have any questions like I said, staff, and myself will be around after the meeting to answer any questions or have any discussions with you."

"Now I will call our first speaker. **Gretchen Colligan.**"

**Gretchen Colligan:** "I'm Gretchen Colligan from Sneads Ferry. I don't represent anybody except my neighbor Connie Everett and I and my comments are in the form of my attorney's letter that I would like to read into the record."

I am an attorney representing Gretchen Colligan, Connie Everett, who are neighbors and riparian owners of single-family homes located on several acres of land adjacent to the referenced proposed water column lease, this is with the water column lease ID 21-060WC with Grant, Clarence Grant. My clients are concerned that the lease appears to cover the entirety of Mrs. Colligan's waterfront and a significant portion of Mrs. Everett's waterfront. To the extent that the lease would interfere with either of their properties' access to Alligator Bay and, through it, to the Intercoastal Waterway. It infringes on their riparian rights, and they object to the granting of the lease. See N.C.G.S.113-202.1(b)(4) (any leased area "Must not significantly interfere with the exercise of riparian rights by adjacent property owners including access to navigation channels..."). My clients have also noted that from their observation, the area of the proposed lease is frequently fished by recreational fishers. As such, the proposed lease may be inappropriate under N.C.G.S.113-202.1(b)(5) (leased area "must not be within an area traditionally used and available for fishing...activities incompatible with the activities proposed by the leaseholder..."). Finally, please note [that] Mrs. Colligan's property includes a long dock extending over 350 feet through the marsh, adjacent to the old mosquito control channel, with a boat lift on the end of the dock. As such, the proposed lease may well be within 250 feet of a water-dependent shore-based structure, and the proposed lease may violate 15A N.C.A.C. 03O0201(a)(1). The presence of the dock and boat lift reinforces the need to preserve my client's riparian rights of access to open water. While Mrs. Colligan and Mrs. Everett do not oppose the proposed lease entirely, they do oppose it unless provision is made for preserving the rights and complying with the requirements outlined above. Using the entirety of the water column over the proposed lease area would significantly impair the riparian rights, and to that extent, they object to its issuance.

Owen: "Thank you. Next, I would like to call **Stan Griffith.**"

**Stan Griffith:** “Thank you very much. I appreciate you calling on me. I'm, I'm here as a sport fisherman. I live in Surf City. I specifically fish for redfish. When you close off my bank, you have closed my fishing off. I would hope that you guys will keep these things off the banks. If we have a hundred yards, we can fish it and we can be happy with that. But when you push them right up to the bank, you've messed up something for us. So, that's not about the oysterman, that's about these people governing it. Now, the next thing I talk about I want to talk about what you and I talked about last meeting in Jacksonville is liability. Any business needs liability insurance. The state's not requiring it. They just kind of looked at me little and had not thought about it. Well, you need to think about it. What happens if a hurricane comes through and a lot of your equipment is lost to you and now it's drifted up, etc., on, you know, anything from other people's oyster leases to the bank somewhere. Somebody's got to be responsible for the cleanup. You can't expect taxpayers of the city to clean it up. Now, the next thing I want to tell you about is Surf City, North Topsail Beach, and South Topsail Beach. Their city limits extend to the intracoastal waterway. You, you're building in their city limits. Have you been or is anyone been to talk to the city councils and at least advise them of what you're doing in their property? I think it needs to happen. Um, would you, if invited, go to the Surf City Town Council and give them a report on the plans for at least the aspect of Surf City? I can see if Topsail and South Topsail would invite you also, would you do that or is that something you...?”

**Owen:** “We have talked to Surf City.”

**Stan Griffith:** “You have talked to Surf City?”

**Owen:** “We can just we can discuss that after the meeting.”

**Stan Griffith:** “Okay. Good. I'm glad you talked to ‘em. That covers the three issues that that I have. I'm not against oysters one bit. You're going to help all of us keep the water clean. Um, but we have we can't let this thing over run us. Obviously, the banks are willing to loan money on it and people are doing it and that's the American way, but we've all got to live together. Thank you.”

**Owen:** “Thank you Mr. Griffith. Next, I'll call **Jan Farmer.**”

**Jan Farmer:** “Maybe if I stand to the side everyone can hear me, and it will get their . . .”

Owen: “So I was a little lax there, but you're talking to me when you're delivering your comments”

**Jan Farmer:** “OK, well let me turn in this direction. Everyone can hear me, and you can hear me as well. All right, my name is Jan Farmer. I am an environmental advocate. I work with North Carolina Coastal Federation. The Coastal Carolina Riverwatch which is the waterkeeper for this area. I'm also a volunteer with North Carolina Oyster Trail. I'm here speaking in general, in support for all the leases that are proposed tonight. I have talked to a number of the oyster farmers and shellfish farmers that are proposing leases. And I can tell you all of them want to do the right thing, as far as addressing concerns for navigable waters, making sure they're

maintaining people's ability to fish, those kinds of things. I just want to also make sure everyone is thinking through the environmental benefits and economic benefits of supporting shellfish aquaculture. So from an environmental perspective, I think most people in this room probably know about the filtration of benefits for oysters and other shellfish. They filter out the things that cause bad things, like algal blooms, that kind of thing. They also are a habitat creation, they allow nursery areas and for commercially valuable fisheries things like speckled trout, blue crabs, shrimp. You know, without those oysters growing in these areas, we wouldn't have that kind of commercially available fishery that needs support from all of us at this time. Um, but then from an economic benefit, in 2021 the North Carolina shellfish industry was found to provide 27 million dollars in economic benefits to the State and at that time 532 jobs. Now I believe that has grown since then and that's something we all I believe would want to encourage and work together to foster growth for. So that that was just in general, my very general comments there in support of all of us working together to support our local shellfish, farmers. That's it. Thank you."

**Owen:** "Thank you Next. I will call **Read Samples.**"

**Read Samples:** "Hey there everyone. My name is Read Samples. I stand as an Onslow County resident, but I also stand as an employee of a local marina that services this industry. My concern is with access to this water. Um, clearly, you're going to hear both sides of the discussion tonight that has to do with access to water. I have four direct concerns about leases. One would be the Three Spats lease, one would be the Carolina Oyster company lease in Spicer Bay, one would be the Wade Oyster Farm in Porthouse Bay, New River Marina, and one would be the Grants Oyster House in Alligator Bay. We service on a busy weekend, approximately 150 boats at the local marina I work at. I will not speak on behalf of that marina. I speak as an employee of the marina, somebody that works in this industry. Somebody that does boating and direct water support. Out of that recreational industry, any limitation to access into these areas, stands not only to a detriment of local businesses, but also to the detriment of local marinas. We rely on these areas heavily for, ah, sandbar enjoyment, but also for eco-tourism. Out of our marina, we service multiple charter businesses that rely on these waters for their businesses. There is not only the direct off [the] water support that they stand to lose access to these areas and the monetary benefits from it. But also, those that utilize our services that rely on these areas to make a living on the water. I will never stand in opposition to somebody making a living on the water. However, if that access comes at a limitation of access of others, I must stand in opposition to it. So that is, that is my opposition."

**Owen:** "Alright, thank you very much. Next, I will call on **John Salranto.**"

**John Salvant:** "Hey, my name's John Salvant. I'm a resident in North Carolina, obviously. I'm a local fisherman, recreational fisherman, that fish's tournaments and I regularly fish with my family in the areas that are affected by these leases. There are specific leases that I'll name in a second that I oppose, uh, primarily due to access. I think it's a public, uh, public land in any business that restricts access to that land. Things, changes need to be made in the law to allow us to continue to access this land. So, I'm opposed to the Carolina Beach Oyster Company lease 22-005 the Julian Fenner lease, Shad Funk, the GOH2 LLC DBA Grant Oyster House in Alligator



Bay, and Thomas Cannon 22-021BL along with Burr McClawhorn lease, 22-033BL. Thank you.”

**Owen:** “Thank you. Next, I'd like to call on **Bob Carr.**”

**Bob Carr:** “All right, I'm Bob Carr. I am a recreational fisherman, resident of the State of North Carolina. I live in New Hanover County. Um, be as it may, I'm opposed to all the leases. In general, because of seagrass, safety, where you construct them, how you construct them, your purpose for constructing them, I get. But there seems like there's no method to the madness, right? So, they pose risk. Lower units, safety, people getting in, people getting out, you have kayakers. You have people who like to go in and fish those banks and you're just taking up, I mean, they're just taken up a huge amount of the area for fishermen. So if you're a red fisherman, trout fisherman, or, you know, flounder which there ain't much fishing for flounder anymore, anyway, but I just wanted to, I'm just opposed.”

**Owen:** “All right, thank you. Next, I'll call on **Allen Jernigan.**”

**Allen Jernigan:** “Thank you for having the public hearing. First, I'd like to say, I love oysters. I love oysters of all kinds. Love coon oysters, big stump rocks, I love them all. But, we're at a problem now in this area, we're at capacity. I feel like the Division of Marine Fisheries is violating the public trust doctrine by approving more of these leases without doing a study on how it's affecting the public, how it's affecting the public's ability to enjoy our natural resources. Uh, I have several leases in mind, directly that are definite issues. The first one is Three Little Spats Oyster lease at New River Crossroads on Hatcher's Rock. That area is used by boaters every weekend, commercial clammers, recreational clammers, that lease is literally right on the sandbar where people go to relax. Another one I have a big issue with is the one, and this depends on where you're from, some people call it Dudley's Island, some people call it Huggins Island, some people call Higgins Island. Uh, that lease is going to sit directly into Northeast corner behind the island, where the channel is to get in and out of that bay coming from Bogue Inlet side. Um, the South entrance, you cannot get in and out of that bay period on low water. The only way to get out is on the northeast corner. I mean I just, that least is going to affect everybody. Recreational guys, clammers, crabbers, everybody. Uh, another one is Alligator Bay lease, Grants Oyster House, that bottom lease has been there for years. You know, nobody's ever had much of an issue with it being a bottom lease. That's a nine-acre lease which takes up over half of the west bank of the bay. Uh, that bay . . . That area is close to several access points. One being the North Topsail public boat ramp. One being the boat ramp up Grant's Mill Creek. Kayaks frequent that area, recreational anglers frequent that area where the proposed water column lease is at. Uh, I just don't see how you can take that from the public. Uh, another one I have an issue with would be the Canal Street, Surf City. That's John Thomas 22-050 water column. That's another area where navigation is going to be extremely, extremely limited. Um, I can access all that water myself on my boat, low tide, high tide, it don't matter. Uh, some people gotta have a high tide to get there. Where that lease is going at, water column, there's a oyster rock. You got the shoal, you got oyster rock right there that is totally exposed on high tide. It's a big main oyster rock, that lease is going to directly in the channel where you have to pop out behind that rock and go around the island headed towards Permuda Island. Um, guys that's in

here that's familiar with that area that fishes knows exactly what I'm talking about. Once that lease goes there, access is cut off getting in and out of that area. Uh, that's it."

**Owen:** "That's your 3 minutes and I will remind folks, we are accepting written comments until 5:00 tomorrow evening. So, if you don't get a chance to finish your verbal comments on, you can submit those in writing into the Division till 5:00 tomorrow. Next, I'd like to call **Rupert Brown.**"

**Rupert Brown:** "Thank you for allowing me to speak. I just want to speak as a recreational fisherman. Like this gentleman said, he stole my speech, we probably should have got together outside. But, I just wonder when is it gonna, when is enough, enough? Okay? Because what, when I moved here, 5 years ago, I fished these coast for years. I now live here in Onslow County. It has tripled since I've been here. As far as being able to fish, the areas you can fish, the leases everything. When is enough, enough? You're taking another 41 acres away from the public. We are the public. When's it gonna stop? When do we have a say? Because everything that we've said in the past, just goes in one ear and out the other. As a recreational fisherman, as a resident of Onslow County, enough is enough. And I'd like to add one more thing, and no disrespect to you personally, but I find it very disrespectful to have a public hearing and the public can't hear you. I'm retired, I'm a disabled Veteran and I'm sitting in the back and I can't hear you in here. I think you are unequipped to have a public hearing of this. We can't hear you, and when Mr. Parsons addressed this young lady right here, she just kept talking to whoever she was talking to on the computer. That was very disrespectful to Mr. Parsons. So, I just want to let you know, this is not right."

**Owen:** "There's empty chairs in the front as well, if you'd like to sit there, maybe you'll be able to hear better. Next, I'd like to call, I'm having trouble reading this. The first name begins with I believe a letter L. Lynn Lawn. That would be it, **Lee Parsons.**"

**Lee Parsons:** "I'm here on behalf of the recreational anglers as well as the for-hire industry. I've been doing this for 27 years going on my 28th season for-hire now and I'm watching the water shrink. When I started fishing up here, there was very little boat traffic anywhere. I was friends with the crabbers. I'm opposed to everything that's being proposed new to put in Onslow County enough, is enough. Put it in another county. It's time for us to do something, besides try and cram everything in here in Pender County. We can't hold it, the water won't support it. Um, the Waters Bay leases. The Gator Bay leases. Um, I've fished everywhere that's on this sheet. Everywhere. I'm an 11-year tournament fisherman for red drum, I've been around the block, there's not much water I haven't fished around here. But everything on here is interfering with the fisheries. And as far as these kind of leases holding fish, it won't do it. I've seen it with my own eyes. Traps Bay used to you could have 30 fish mornings in there. Now, if I have four fish, it's been a good day in Traps Bay. It doesn't hold. It's too noisy. It just doesn't work, like people think it will. The oyster leases that you're talking about, the lady that got up here and talked about oysters. That's great if they're natural oysters, but not the cage oysters. It's a difference in holding fish with caged oysters and natural oysters. It doesn't work. The caged oysters will not hold bait, will not hold fish. And if I need to name all these off real quick, I'll name 'em all off. But there's a whole lease, everything you've got up there, I'm opposed to because it's interfering with my business. And are you going to let one users group put another user group out of

business? That's the question here. We're not going to be put out of business. At least I'm not going to sit still and hear it, anyway. If I have to go to Raleigh like I did every year for five years then I'll do that. I'm on the stakeholder committee for the for hire permit, stakeholder committee for the recreational fishing license. I've been involved in fisheries for over 27 years. I've got a little bit of knowledge about what's going on. But anyway, thank you for letting me talk. I appreciate it. Thanks for giving me a little extra minute.”

**Owen:** “Thank you Mr. Parsons. Next, I’d like to call on **Ray Brittain.**”

**Ray Britten:** “My name is Ray Britten. I’m a Guide on Topsail Island. Uh, Springtide Guide Service. I’ve been running eight years now. Full time. Um, the oyster aquaculture is kind of taking us by surprise. I'm not particularly against it, I’m for it. As far as yeah, it does clean the water. It does a lot of things that are beneficial to us, or for us. I think it's a great thing moving forward, but what's not talked about a lot is we've got a few issues that aren't being addressed. Uh, one of them, being that there is a moratorium north of us, there's moratorium south of us which is driving more people in our area. Um, like I said, we are for these things, we're for moving forward. Um, I think this is a good path moving forward if we also protect the native oysters that are there. Um, putting in a farm and then letting somebody with a \$35 shellfish permit, go out and rake all the natural oysters is kind of backwards in my opinion. So, I think it's in the shellfishing community's best interest to address those things. As you guys move forward and help us out. You know, I'll speak to these leases in just a second, but you know when we first started finding out about these things and getting involved, there was a lease in front of Permuda Island. Permuda Island is a nature preserve, it is pretty wrapped up now which it has us concerned. If you can wrap up a nature preserve, then where else where does it stop. The other issue is there's no . . . and we asked you this the first thing, and I’ll ask again. There is no calculation for a maximum amount of shellfish leases in one area or at least, there wasn't at that time. Is there now? There isn't. So, there's no limit to what they can put in. So without a maximum limit, how do we know when it's going to stop in an area, and that we're going to be put out of business? So that's the main issue I have. It's not with the aquaculture. I think it's a great thing. But we can't be put out of business, we got to work together. The one in front of Permuda Island was blocking a channel, we talked to that guy, I can move it over, 200 yards, that's the kind of interactions we like to have with the guys. We're not against them, we want to work with them. Hey we fish this area, we understand that y'all are under pressure to put ‘em 20 feet off the bank, which hurts us, but it's not your fault. We get that we need to work together.’ But given the circumstances that we're under right now, especially Alligator Bay and nine acres in Alligator Bay and 20 acres, as all four of those are put together, that will be detrimental to our business. No one's called and asked me or any of the other guides. We're willing to work with you guys, but no one has called us and said, hey, this is what's happening. We've got, I'm opposed to everything on this lease. If I’ve got to name them out, I will. But for the specific reason of our redfish, flounder, and trout in my business. That's what I do. I've got to have these banks and losing 21 acres in Alligator and 9 tonight, f these are approved, nine in alligator, our waters, will be detrimental to my business. And a lot of other people around here, it’s going to push all of us guides into smaller areas and that'll be that.”

**Owen:** “Thank you Mr. Britten. I'd like to call Joe last name begins with the letter K.”

**Joe Karly:** “It’s Karly, Thanks for letting me come talk. Uh, yeah. Name’s Joe Karly. I’m opposed to lease 22-005, 22-011 Bravo Lima, 22-012 Whiskey Charlie, 22-007 Bravo 2020 or. Excuse me. 22-008 Whiskey Charlie, 21-060 Whiskey Charlie, 22-021 Bravo Lima. Um, I consider this protecting my investment. I’d like them all to go. Um, I live right here off the intracoastal. Uh, I live right off Kings Creek. That’s primary for me to just be able to jump in my boat and go right out there and fish and not have to waste a lot of money on fuel and time and space getting to where I want to fish. Um, and with the way it’s going, it’s just going to keep progressing and getting worse as I see it. Um. I’m all opposed to all of it. Thank you.”

**Owen:** “Thank you, Mr. Karly Next. I’d like to call on **Michael Oppegaard.**”

**Michael Oppegaard:** “Hey guys, my name is Mike Oppegaard. I’m a native of Topsail Beach, born and raised. Um, I rise in disagreement with the current system. But specifically, the leases that are involved in Waters Bay, Spicer’s Bay, and Traps Bay. Um, as they move those leases, especially the water column leases closer to the bank, it limits our access in and out of those bays. Um, for instance the Alligator Bay, where they’re going to put the lease, has always traditionally been a ground lease we can come and go over it as we please. It’s marked by four poles we know where it is. So, we know where we have to slow down and not run over anything. However, when you do a water column lease you limit our access to the whole entire area. Um, I think that’s the majority of what I have to say. I do think there should be some determination as to what, how many acres of lease we can have per acre of marsh. I know this been limited in the south and you guys, some Brunswick County and New Hanover County can’t go to there and have an oyster lease. They’ve got to come up here. My question is, is why did they limit that, and why haven’t we? Thank you very much for your time.”

**Owen:** “Thank you very much. Next, I’d like to call **Chris Matteo.**”

**Chris Matteo:** “Thanks Owen. My name is Chris Matteo and I am the head of the North Carolina Shellfish Growers Association. I’m here tonight to speak on behalf of the shellfish the growers seeking leases in this county. Um, I’m also here to listen to the public. And hear what they have to say, and understand their concerns and figure out ways in which we can mitigate those concerns. For 163 years this states been leasing shellfish bottom in the state of North Carolina. So, predates all of us, by quite a long period of time. Growers, in general, will work with other users and where there are conflicts, they’re eager to mitigate those conflicts. What’s important to realize, navigable and estuarian water and submerge land in this state is a state resource, not simply a local resource. So, there are folks on the western part of the state who don’t have a say in this conversation tonight. But in reality, they actually should. The bulk of my job lately, is conflict mitigation. Um, we understand that with a larger footprint, there’s gonna be more issues and more people who don’t want to see or hear what we’re doing. Um. This, your area has smaller water bodies so it’s more prone to conflict and I understand that. You know, the chief complaints tonight, riparian rights infringements. I don’t know if you all know this or not, but they cannot grant a lease if it impairs on your access to navigation channels. So, and there is a 250 ft setback off development land, that also incorporates navigation. Um, city limits, interesting concept, but it is a state resource. The water and the water bottom is a state resource and people are allowed to fish them. People are allowed to crab in them. People are allowed to, for 163 years, grow shellfish in them. Uh, marinas is kind of an interesting concept. That’s a

private use of the public trust area. So, to me it, you know, of all folks, marinas shouldn't really have an issue with this. I understand the density of farms are getting to a level that needs to be addressed and I'm on it. Um, you know, are in just so, you know, our cages work just the same way that oysters on bottom do, they're teeming with life. They are helping, they're filtering water. 2 billion gallons a day is the level at which we're filtering the estuaries in North Carolina right now for free for the state, and that's helping. That benefits tourism, fisheries, real estate values, and shellfish growing is compatible with most uses. And please remember, we are sustainable practice. We're not taking from the estuary. We are part of the state's critical infrastructure for running a year-round supply of sustainable high-quality food. Thank you."

**Owen:** "Thank you. Next, I'd like to call on **Shane Bartos.**"

**Shane Bartos:** "Hello. My name is Shane Bartos. I'm a resident here, I live at [REDACTED] North Topsail Beach, on Alligator Bay. I also have a house at [REDACTED], Sneads Ferry at Northshore Community. Also, on the water where my father-in-law lives and two other properties on Masons Creek and all these water column leases affect all my properties where me and my family live. And I don't know that I've really seen positive environmental impact studies on showing what this is going to do specific to our area. And specific . . . specifically conducted federally, as I don't really hold a lot of weight with what North Carolina does, when it's trying to generate revenue from these additional leases. If they were so concerned with water quality, which keeps getting brought up by those who are interested in profiting on this, then they would limit harvesting of oysters and let the oysters grow naturally, which does a great job filtering water. I'm 100% in favor of oysters and in favor of bottom leases. I have done volunteer work with Chesapeake Bay Foundation on oyster spat and oyster generation. So, I'm very familiar and I support that, obviously. But my concern is with aids to navigation. So, these things break loose and they enter into our waterways, without you know, being able to maneuver around them. These are going to be heavy. These are not little floating, you know, crab pots. These are going to be very heavy and if they get in the way or restrict access to waterways and specifically, I'm talking about leases 21-006 Whiskey Charlie, 21-060 Whiskey Charlie, on uh Alligator Bay. But you are going to restrict access for when I go up in there and fish. I'm a recreational fisher. A big part of me moving here was specifically so that I can access those waters readily. I'm right by the boat ramp, my back door is right there. I can get in my kayak and get in my boat and get right over in there. Uh, I'm not going to be able to do that if we have these leases up in there. I don't know how else it's going to impact the environment, negatively. Um, I don't trust the state of North Carolina as being maybe the best steward for the environment considering other fishing practices that go on in the waters. Um, so I'd really like to see someone who maybe isn't looking to generate profit from there and decrease my property values. Which North Carolina is very quick to go and increase taxes on all of us that live in the area. Um, without looking at impacts like that what it's going to do to my property values, tourism, every other business that benefits from our tourism that comes in through here. Thanks."

**Owen:** "Thank you very much. Next, I'd like to call on **Daniel Batts.**"

**Daniel Batz:** "Hey, guys, my name is Daniel Batz. I've owned Surf City Charters for going on 6 years now, and a most of us recreational and for hire guys, have all seem the effects of these just more or less taking up our waters. We already . . . everybody around here knows how little water

we already have around here and I'm mainly against all four of the leases in Waters Bay and Alligator Bay. As Mr. Britton said, we all are competing for water, since this around here is a tiny area. We tried to all work with each other and just by cutting those off, right there, we're going to be all fishing the same area day in and day out and that's affecting our livelihood and what we do day in and day out. I'm a commercial oysterman myself, been doing it for years so, I see both sides of it. I respect both sides of it, but it's got to be a little bit of give and take and that's about all I have. Thank you."

**Owen:** "Thank you very much. Next, I'd like to call on **Jeff Rudolph.**"

**Jeff Rudolph:** "So, my name is Jeff Rudolph I've lived in the area for around 20 years. Um, I've been charter fishing for about 5 with Surf City Charters as well. Um, all these areas I'm opposed to, they're critical habitats to fishing. Um, as well if you want to cut out flounder fishing, and then you want to take away from the flounder habitat, that doesn't make sense. Um, as well as aids to navigation in most of these bays and um, as well as equipment floating away, equipment getting lost. Um, these guys working in these bays, these fish don't want to hang around if they're working on the bays and working on their equipment, their oysters and all that. These fish aren't going to hang around and these are critical habitats as well. Um, and that's all I have to say. Thank you very much.

**Owen:** "Thank you. And last, I like to call on **Eric Corbett.**"

**Eric Corbett:** "How you doing? Eric Corbett just had a couple points, sir. One, I think riparian rights have been hit quite a bit. The docks . . . um, the Grant's proposed site is well within 250ft of her dock. Uh, and I think that one of the concerns is that you only now and you want to put a dock in in the future what then? If there is a proposed site. Uh, navigable waters. We live right next door. We go out to kayak. My kids can walk through those bays. But I think there needs to be a balance between what these guys are trying to achieve, which I think is amazing, what the fisherman are doing. I think the state probably needs to come up with a better plan. Uh, cause I don't think this is it. They need to come up with a conceptual idea that allows you guys to still fish. And not in fact that, but maybe isolate things in areas for future. That still promotes that growth. I'm a business owner. I understand it. I think what you are trying to do is pretty amazing. But you can't impact other people's stuff. And at the same time, we got to have a little bit of a compromise. For me, unless those things can be achieved then I would be opposed to. It has would be to at the lease grants."

**Owen:** "Thank you. Is there anybody else in the audience that is not spoken that would like to?"

**Dr. Henry Murray:** "I signed up I don't know why I didn't get called on [inaudible]. They broke the list up and . . ."

**Owen:** "My apologies. All right. What is your name? **Dr. Henry Murray?**"

**Dr. Henry Murray:** "I'm Dr. Henry Murray, I'm a property owner on the south end of Topsail Island and a recreational fisherman. I would like to echo the concerns that have been voiced by the recreational fisherman and professional waterman that have already spoken before me

tonight. I have two other topics of concern that I'd like to address. Based on specific locations of several proposed leases that we're discussing tonight that include but are not limited to Waters Bay, the Department of Marine Fisheries has documented information that some of those areas are subaquatic vegetation habitat areas. Yet, they are allowing these leases, proposals, to go on. My understanding is that's direct conflict to the tenants of where these leases should be placed, if there's subaquatic vegetation there, the lease should not go there. For those of you that have access to Google Earth, look it up. You can see the vegetation right there in the water. If you don't have access to Google Earth, find somebody with a boat, get them to take you there. My goodness, Ray Charles in his current condition can see that there's vegetation there. And yet, these leases are proposed, and why is that? In addition, I would like to formally request, and I want this documented Owen. That the application packages that we're addressing tonight and those going forward, be placed on hold until a study can be done by the state to address how these leases will affect public trust resources and traditional routes of navigation. Thank you for the opportunity to speak."

**Owen:** "Thank you. Next, I'd like to call on **Dan Vote**."

**Dan Vote:** "Hi, my name is Dan Vote. I'm a local resident and recreational fishermen. Um, you know, I fully these support these, I fully support aquaculture, but I think there needs to be more guidelines and things implemented. Um, you gave me some more talking points. I wish I had time to address those questions. Um, I don't think a lot of those were valid, but I don't have time to talk to those. Um, specifically, the leases that I am against is number two, GOH2, that's 21-060WC, number three, 22-005WC, number four 22-007BL. And then following that 22-011BL and number six 22-021BL, and number eight, 22-033BL, and number ten 22-050WC. Um, you know, I think a lot of these, especially Alligator Bay concerns me, because how much is being taken there. Um, bottom leases I don't really have a problem with. I have a problem with the column leases because that directly impacts my boat. And also, areas that these fish stay in and their habitat and access to areas especially in Alligator Bay because if those go in place, they cut off access to ditches that hold fish. So, appreciate that. Thank you."

**Owen:** "Thank you. Next, I'd like to call on let's see, first name George last name with a letter M. Mason maybe."

**George Mason:** [*Inaudible, commented that he declined to speak*]

**Owen:** "All right, no problem."

[?]: *yells out, "no verbal comments"*

**Owen:** "Guys, like I said, no discourse. If you want to talk, wait till I close the meeting and you're welcome to talk all you want. Last, I have on my list is **Jason Merrill**."

**Jason Merrill:** "So I'm Jason Merrill and I live here in Holly Ridge; I own a company called Topsail Tours and Sportfishing. Um, new business here. Um, but I've looked at where all these oyster farms are coming in and it's, I'm not opposing oysters. Love 'em. Uh, you know, I think you know that they're vital to our systems around here, but I am kind of opposed to the method

in the mass quantities that come in like several guys have said here already about when's enough, enough? I've never, I have lived here a very long time and I've never had a problem getting oysters when I want oysters. Um, you know, bushels of oysters any time I want 'em. It's not like we are running out. Or you know, they're in short supply but it's just greed of the state of wanting to lease these things. And uh, basically, like everybody else said, just taking all of our water that we use to also make a living on or recreational fish or hang out with their families. Like I said, it's the method. I've seen these things, they're not typical oyster beds. They're... you can't even fish around 'em. You can't get through 'em. They're completely blocking the waterways... Uh. Just I'm really opposing to every all 41 acres of this stuff just because enough's enough. We let a few of these things slide through this year, this next round of these 41 acres we let a little bit of it go but it just won't stop. We'll be here every year fighting another 41 acres, another 41, another 41 acres until we're just, you know, we're out. It's nothing but oysters. Um, you guys, as far as I'm concerned, have no problem harvesting oysters, you're selling tons of them. Never had a problem getting 'em; I've never been anywhere where they are, like, 'oh, we're out of oysters. So, uh, it's just the methods. Let's just keep doing it the way we've been doing it. I've seen these things, they're massive. And 41 acres of this, this mess that we call an oyster farm I think is just a little excessive. Uh. Sorry, I don't, know a whole lot about the oyster industry but I do know what it does for our industry and what it does to our recreational fishermen. That's all I've got sir."

**Owen:** "All right, Thank you. Okay, so now I have everybody who signed up to speak. Is there anybody else who would like to comment that hasn't had a chance to?"

**John Tedder:** "I'll make it quick. I'm Captain John Tedder of One More Cast, I've been 8 years doing charter business, inshore, offshore. Um, just to reiterate what Tripp said and what Ray said. I think we need to spend more time, obviously, a lot more time at figuring out how we're going to put these things in place to manage both sectors because us fisherman, we want to work, are we work with everyone anyway. But we want to be able to work well with each other. You know what I'm saying. Having these things so close to the banks and you can say, 250, you can say 20 it doesn't matter. The fish are on the banks, that's where we want to fish. We should have a right. The homeowners have a right to say, I don't want to look at this eyesore. Once again, I'm not pointing fingers at nobody, but I'm saying, things need to be addressed. As far as when's enough, enough. Are we going to put 250 more of these things in here or we going to keep adding to it the next day and the next day? I mean, I fish on the whole Onslow Bay area all the way south all the way north. I have oppose, by the way, I oppose all of those leases as well. Um, so please just, before we go further and impact more of these classroom discussions, if you will, let's do some homework on what the impacts are going to be via fisherman and commercial sector and, and the biggest one for me, where is the public? I mean, there's no public word on this. I found out through people I know. There's people live up and down this body of water that know, have no clue what the hell's going on in our waterways. Between Marine Fisheries taking flounder. They're going after trout. This is comical. It is absolutely comical. So please, I'm going to stop here. Let's do some more homework on this whole thing and let's come to common ground. Thank you."



**Owen:** “All right. Thank you. Is there anybody else who would like to speak? Do we have anybody online?”

**Teri:** [*inaudible*]

[?]: “You said we could address written comment until...”

**Owen:** “So we'll accept written comments until 5:00 tomorrow evening.”

**Teri:** “Online....Chi? Would you please state your name and whether or not you would like to speak?”

**Chi Quan:** “Chi Quan. And I don't really have anything to say on top of everyone's comments earlier today. I kinda agree with everyone, so I don't want to beat a dead horse, but no comment here, just kind of listening and on the current situation.”

**Teri:** “Okay, thank you. DJ? Please state your name and if you would like to speak. Can you hear me DJ? I will come back to you. Drew? Please state your name and if you would like to speak. (nothing) And I have Jason Walsh. Would you like to speak?”

**Jason Walsh:** “Uh, no comment. Thank you.”

**Teri:** “Thank you. Mr. Thomas? [*no response*] Mr. Thomas? Nope, that is everyone I have seen online.”

**Owen:** “All right. All right, so if nobody else wishes to speak, I will close this public hearing, I would like to thank you for your time and participation in this process. The time of closure is 7:12. And I would, I really do want to thank you all of you for coming out. I know it's been, you know, probably close to an hour and a half of most of y'all's evening to come out here and comment. I know many of y'all have frustrations and concerns. The whole reason that we are having this hearing is to hear those comments. It's very important that we get this kind of feedback so we can address the concerns that you have. If I came in, you know, to here and this is an empty room tonight. There's nothing we can do. So y'all's feedback is very important. That's why we have the process. Um, and with that if you have any questions or would like to talk to myself or any of the other staff that are here, I will be staying as late as y'all need me to. [*end of recording*]”

**Closure: 7:12 P.M.**