

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

*January 18, 2022*

*Present:* Owen Mulvey-McFerron – Program Coordinator, Shellfish Lease Program

Teri Dane – Shellfish Lease Biologist

Marla Chuffo – Administrative Specialist I

Jacob Boyd - Staff

Dustin Walters – Staff

Anthony Frost - Staff

Scottie Tripp – Staff

Zach Harrison – Staff

Elizabeth McCormick – Staff

Patricia Smith - Staff

*Attendees:*

Thomas Cannon, David Roughton, Thomas Cody Faison

*Meeting:* 13 January 2022, 6:00-6:15 PM via WebEx for Pender County proposed shellfish lease

*Applicant(s):* Thomas Cannon, David Roughton, Ronald Sheffield

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**I. Meeting**

At 6:00 pm the public hearing was called to order by Owen Mulvey-McFerron:

“I’d like to 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. Tonight’s hearing is being conducted in a new format to minimize personal contact, and to maximize social distancing protocols in order to promote public health concerns related to the COVID-19 pandemic. We have folks participating both by telephone and through the WebEx virtual meeting application. PowerPoint slides presented here on WebEx are also available on the division’s website for those participating by telephone. We would like to thank everyone participating in this adjusted format and appreciate your patience. Before we get started, we would like to explain how tonight’s hearing will work. Our first order will be a roll call to identify participants in these proceedings. Please be advised, all callers will be recorded. Patricia Smith will now go over the information on how to participate and will do the roll call.”

Patricia Smith gave instructions for the WebEx and telephone participation and then took roll call of the participants on the call. (The attendees are listed in the above section)

Owen Mulvey-McFerron continued with the following statement:

“Now I will go over important information for tonight’s hearing. No decisions will be made at tonight’s hearing. All public comment received tonight and during the comment period will be taken into consideration. Once the applicants have had an opportunity to speak, I will open comments to anyone else who wishes to be heard. I will call on commentators by name in the order in which they were listed during roll call.”

“The purpose of this public hearing is to receive public comment on one proposed shellfish lease in Pender County. Applicable investigations by division staff have determined that this proposed shellfish leases’ generally meet the standards for shellfish leasing under NC General Statutes and NC Marine Fisheries Commission rules. The director of the division has authorized this hearing to receive public comment.”

“I will give each of the shellfish lease applicants an opportunity to speak first and then will open the floor for public comment on these proposed sites.”

“First, I would like to review some hearing guidelines with you.”

- “This hearing is held in compliance with SL 704 Section 4.31 PUBLIC BODIES/REMOTE MEETINGS DURING DECLARED EMERGENCIES”
- “This hearing is a formalized process where we take only public comment on proposed shellfish leases that have been noticed in **The Pender Post** newspaper on **December 9th and December 16th, 2021, January 6th, 2022**, and on the division’s website.”
- “This hearing is being recorded and is a public record. All chats, instant messages, texts, or other written communications between members of the public body regarding the transaction of the public business during the remote meeting are deemed a public record”
- “Written comments on these shellfish leases can be submitted to the division up to 24 hours after the public hearing.”
- “Comments from all speakers including the shellfish lease applicants should be limited to no more than three minutes. If a speaker exceeds this timeframe, they will be asked to wrap up their remarks. Once you have made your comments for the record, please mute your phone or microphone to allow someone else an opportunity to speak.”
- “Once called, please state your name, where you are from, if you are representing any organization, what shellfish lease or leases you are commenting on, and whether you support, oppose, or have other comments on the advertised shellfish lease sites.”
- “Please be courteous and respect all persons who wish to speak.”
- “If hearing participants have questions about issues not directly related to the proposed shellfish leases, staff and I will be happy to meet with you after the hearing.”

“And with that, I will read the information on the proposed shellfish leases:”

- (1) “A shellfish **bottom and water column** lease applied for on **August 31st, 2020**, by **Topsail Sound Shellfish, Ronald Sheffield**, located in the **Seaside Areas, near Topsail Sound**, and as proposed will cover approximately **1.29** acres. The management plan indicates the use of **bottom and floating gear** for the commercial production of **oysters, clams and scallops**.”

“Division staff conducted a site investigation on **May 13th, 2021**. The results of that investigation found **zero** bushels of shellfish and **zero** submerged aquatic vegetation, which I will refer to SAV for the rest of this hearing.”

- (2) “A shellfish **bottom** lease applied for on **March 1st, 2021**, by **Soundside Oyster Farms, agent Thomas Cannon** located in **Banks Channel**, and as proposed will cover approximately **0.75** acres. The management plan indicates the use of **bottom gear** for the commercial production of **oysters**.”

“Division staff conducted a site investigation on **June 16th, 2021**. The results of that investigation found **0.51** bushels of shellfish per acre and **zero** submerged aquatic vegetation.”

- (3) “A shellfish **bottom and water column** lease applied for on **March 5th, 2021**, by **Coastal Roots Oyster Company, Agent David Roughton** located in **Seaside Areas, near Green Channel**, and as

proposed will cover approximately **1.09** acres. The management plan indicates the use of **floating gear** for the commercial production of **oysters**.”

“Division staff conducted a site investigation on **April 27th, 2021**. The results of that investigation found **9.1** bushels of shellfish per acre and **zero** submerged aquatic vegetation.”

“Now, I will call on each applicant and give them an opportunity if they wish to speak to their proposed shellfish lease. This is not a requirement of the applicant. Please limit your comments to three minutes. Patricia will unmute each applicant after their name is called. Once the three minutes are up, I will inform the applicant and you will be muted for the next speaker.”

(1) Ronald Sheffield: not in attendance

Owen: “I would now like to call on Thomas Cannon to present his proposed shellfish lease.”

(2) Thomas Cannon – “Hi everybody. First, I would like to say that I fully support Ronald Sheffield and his shellfish lease. I think he did a great job siting it, and think it'll be really good for everybody if he gets the lease approved and is able to work that area. I know he put a lot of time and effort into finding a good spot for it. And for mine, my name is Tom Cannon from Soundside Oyster Farms, I'm applying for three quarters of an acre of bottom to lease on a shoal in Topsail Sound. The lease area is fully submerged, unless there is a very low tide, there's any and the lease area as well away from all marked channels and because the lease is located on a shoal, at lease markers can be used as aids in navigation for all vessels. The lease area itself will be easily navigable for recreational and commercial boats throughout and the lease area will be clearly visible and intuitively navigable for all approaching vessels. So, if you come up to my lease, you'll be able to tell where the gear is located and where the safest channels would be. In addition, it in most cases you'll be able to drive right over the top because I am only applying for the bottom. Concerned citizens, recreational boaters, commercial fishermen, crabbers, and real estate agents alike will find my lease passable, inviting, and productive for the whole community. And, I would just like to say that I support all the other leases as well and thank you for your time. And thank you all for putting this meeting together and we're looking forward to growing a lot of amazing oysters. And the accompanying fish that use the habitat and crabs that use the habitat and all other animals that use the habitat as well. So, thank you all for putting this together.”

Owen: “All right, thank you Mr. Cannon. I would now like to call on David Roughton to present his proposed shellfish lease.”

(3) David Roughton: “I kind of want to just pretty much reiterate what Tom said. Everything that I kind of wanted to say there. So, I've definitely been a big proponent of Ronald and Tom and anyone else looking to get involved in the shellfish industry. I think it does a lot of wonderful things for our coastal community, provide awesome habitats for other sea life; barrier reefs when storms come. So just a lot of good things to come with oyster farms in general. Want to thank you guys tonight for having us and hosting this. I have currently, another lease near where my lease is now. Now been doing it for just over two years, I've enjoyed thoroughly enjoy growing oysters and getting the smiles and reactions on people's faces when they're able to try a North Carolina oyster for the first time. So, you know I would hope that I just want to kind of continue the production and add on a little bit to what I have and yeah that's all I have to say. Thank you, guys.”

Owen: "All right. Thank you, Mr. Roughton. All right, so now Patricia will call for the first speaker. I'd like to remind speakers to limit their comments to three minutes. As a reminder, please say your name and where you are from. If you are representing any organization and comments, indicating whether you support opposed or have other comments on the shellfish lease sites"

Patricia: "Okay, I did not have anyone initially sign up to speak here. It does appear that's Mr. Faison does have the ability to speak now. Do you want to speak?"

Thomas Cody Faison: "Can you hear me? I just like to say, I support all three of these shellfish growers. Pretty good guys. I think they would all make great contributions to the ocean community environment. I support it."

Patricia: "Okay, so that's everyone that indicated they wanted to speak. If there's anyone else who would like to speak. Or have changed their mind. So, by raising your hand, there's a little hand icon that's down at the bottom of the participant list. And the way you the way you find the participant list is that if you could, I'm sorry if you're too, you can find the participant list by just going to the little three dots down there. Now you show up top and hit participants and someone help me out here. I've lost my place here."

Owen: "Yeah, I can, I can hop in here. You can raise your hand by clicking on the icon, at the bottom of our panel which is up on your screen. Look for the icon at the person, maybe in the top of the bottom of your screen, click on that. That should bring it to participant panel. If you are attending online of the mobile device, that's just a smartphone. You need to click on three little dots and then the hand icon. Either way, once finish speaking to me, click on the hand icon again, lower your hand. You're calling in by telephone and you do not see a screen, raise your hand by dialing, star, three. We need to hit star three again, lowering. Okay. So, does anyone else want to speak?"

Patricia: "I'm not seeing anyone."

Owen: "Well, if no one else wishes to speak, I will close this public hearing. I would like to thank everyone for their time and participation in this process. The time of closure is 6:15 PM."

**Closure: 6:15 P.M.**