

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

*June 3, 2021*

*Present:* Owen Mulvey-McFerron – Program Coordinator, Shellfish Lease Program  
Teri Dane – Shellfish Lease Biologist  
Scottie Tripp – Staff  
Andrew Wells - Staff  
Elizabeth McCormick – Staff  
Tina Moore - Staff  
Patricia Smith - Staff

*Attendees:*

Thomas Faison, Wayne Rees, Ronald Sheffield, Bill Simmons

*Meeting:* 18 May 2021, 6:00-6:19 PM via WebEx for Pender County proposed shellfish leases

*Applicant(s):* James Perryman, Ghost Fleet Oyster Company, LLC, Thomas Faison (Agent), NorthBay Oyster Company, LLC, William Simmons (Agent)

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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 virtually to minimize personal contact, and to maximize social distancing protocols in order to address 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 participants will be recorded. Patricia Smith has been taking attendance as people have signed into the meeting. She will now finalize that and go over the information on how to participate.”

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

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

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

- “This hearing is held in compliance with SL 704 Section 4.31 PUBLIC BODIES/REMOTE MEETINGS DURING DECLARED EMERGENCIES”
- “This hearing is a formalized process where we take only public comment on proposed shellfish leases that have been noticed in The Pender Post on April 8th, April 15<sup>th</sup>, and May 13<sup>th</sup>, 2021 and on the division’s website.”
- “This hearing is being recorded and is a public record. All chats, instant messages, texts, or other written communications between members of the public body regarding the transaction of the public business during the remote meeting are deemed a public record”
- “Written comments on these shellfish leases can be submitted to the division up to 24 hours after the public hearing.”
- “Comments from all speakers including the shellfish lease applicants should be limited to no more than three minutes. If a speaker exceeds this time-frame they will be asked to wrap up their remarks. Once you have made your comments for the record, please mute your phone or microphone to allow someone else an opportunity to speak.”
- “Once called, please state your name, where you are from, if you are representing any organization, what shellfish lease or leases you are commenting on, and whether you support, oppose, or have other comments on the advertised shellfish lease sites.”
- “Please be courteous and respect all persons who wish to speak.”
- “If hearing participants have questions about issues not directly related to the proposed shellfish leases, staff and I will be happy to meet with you after the hearing.”

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

- (1) “A shellfish **water column** lease applied for on **September 28th, 2018** by **James Perryman III**, located in **Seaside Areas near Topsail Sound** and as proposed will cover approximately **2.87** acres. The management plan indicates the use of **floating gear** for the commercial production of **oysters**. Division staff conducted a site investigation on **September 15th, 2020**. No samples were taken as there was an existing shellfish bottom lease.”
- (2) “A shellfish **bottom** lease applied for on **August 31st, 2020** by **Ghost Fleet Oyster Company, LLC**, agent **Thomas Faison**, located in **Banks Channel** and as proposed will cover approximately **0.9** acres. The management plan indicates the use of **bottom gear** for the commercial production of **oysters**. Division staff conducted a site investigation on **September 30<sup>th</sup> and October 15th, 2020**. The results of that investigation found **zero** bushels of shellfish per acre and **zero SAV**.”
- (3) “A shellfish **bottom and water column** lease applied for on **August 31st, 2020** by **Ghost Fleet Oyster Company, LLC**, agent **Thomas Faison**, located in **Seaside Areas near Nixon’s Channel** and as proposed will cover approximately **0.74** acres. The management plan indicates the use of **floating and suspended gear** for the commercial production of **oysters**.”

Division staff conducted a site investigation on September 30th, 2020. The results of that investigation found **zero** bushels of shellfish per acre and **zero** SAV.”

- (4) “A shellfish **bottom and water column** lease applied for on **March 5th, 2020** by **NorthBay Oyster Company, LLC, agent William Simmons** located in **Bank’s Channel** and as proposed will cover approximately **5.77** acres. The management plan indicates the use of **floating gear** for the commercial production of **oysters**. Division staff conducted a site investigation on **August 24th, 2020**. The results of that investigation found **0.1** bushels of shellfish per acre and **zero** SAV.”

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

**James Perryman: Not in attendance**

**Thomas (Cody) Faison:** “I just want to take this time to thank you guys for having this public hearing tonight, it's been a long time coming and we're super excited the future seems like our company and we're. Hang on real quick we have a little guy here, so I get him out of here. So we want to thank everybody that's helped us get here today, so including the Division of Marine Fisheries and then all the local shellfish farmers and then our friends and family and everyone was just involved. Our mission it goes through which our company is sustainable for the future and growing with respect and we feel that these leases really help reach our goals. Our goals are education, sustainability and high quality oyster product that really helps in our plan show North Carolina as a leader in shellfish production and Pender county and the Division of Marine Fisheries and everyone involved. some of our goals for these leases and I'm speaking on both these leases at the same time just making sure. (Owen: I was going to give you an opportunity to speak to specifically each one of them, but if you want to talk generally about both that's perfectly fine.) This lease in particular is a bottom lease and so the goal here with this lease for us is basically a low profile lease. I'm trying to trying to come up with some methods for us that work well that have minimal impact on the public and create the product that we're looking for. And also vision is some oyster tours and we feel that this is a is a perfect area to show some history and some things that are happening as well, so we're super excited about this bottom lease and doing some things that kind of make us a little bit unique. So other than that, you know, we're open to any questions or concerns and our phones are always open and if anyone has any questions, please reach out to us, but other than that we thank you guys for having us tonight.”

**Thomas (Cody) Faison** (second application): “Yes, this lease here is a bottom and water column lease for us and it presents a different area and a different growing method for us which is kind of what we're looking for. We're looking to kind of use multiple methods and create some different variety. What we have going on with this lease in particular it's a little bit difficult to get to at times. Well, they both are and again, it's a still trying to keep the low profile as possible and I'm just kind of trying to stay out of the public eye as much as possible. We are excited about this lease here and look forward to performance if we can.”

**William Simmons:** “I wasn’t planning on speaking, but I'll take a compliment if it's just to introduce you to our plans are. North Bay Oyster Company was formed specifically for this proposed farm. Using floating gear, one of the things that we are most excited about in our proposal is the orderliness, is maybe one way of saying it. Is of the floating gear we're proposing which is the clip arm method. Originated in New Zealand, and I think the really it's fairly new the only farm I think in the United States using or the eastern coast of the United States,

which is in Maine. Up there and it's one of the things that I think is most, besides the aid that it gives the farmer in running an efficient farm and reducing the labor somewhat, is its neatness, it's a very neat looking floating system. You can YouTube flip-farm and can see what I'm talking about. The thing I wanted to mention is, you know, the size of the farm it's a little larger than what Thomas was talking about for his locations. And it just has to do with the size has to do with meeting business goals and planning you know, five plus contiguous acres between Surf City and the island is not an easy thing to do and we ended up on this location with the help of actually with the help of Department of Marine Fisheries as we were searching out different proposals that kind of came up with a number and locations and this was not the top choice. But SAV limitations limited as to areas obviously that didn't have SAV and so that's where we landed on this and I think it's about probably the only five plus acre non SAV land in the area that you'll find between Lee Island and Surf City. So that's pretty much all I have to say, you know, we've obviously want to be a good neighbor to those around us spoken to commercial fishermen spoken to one of the nearby residents on the intercoastal waterway that's probably as close as anybody could be to this property that didn't seem to have any issues with it and I'm hoping there are no others that have issues because certainly welcome the opportunity to speak with anyone about that and our plans and that's pretty much all I have to make about that.”

Public comment:

**Wayne Reese:** “Can you hear me? Okay. A little bit of background, I am 63 years old, semi-retired and a part time commercial independent clammer and oysterman. I'm concerned about the exponential growth of shellfish leases, especially in Onslow and Pender county, these are very desirable areas because as you all know these areas don't experience a lot of temporary closures of the waters due to a pollution issues. And also concerned about the lease program because as I understand it right now, there's no limit to the leases that the state can grant so long as the proposed lease meets the state requirements. Leases, in my opinion, restrict the public use of the leased waters, there are navigation hazard. They can be unsightly and this is especially true for the water column leases and they do have an impact on the independent clammers and oystermen in the area because they do restrict the amount of acreage that can be worked. First of all, I would want to request that the state of North Carolina find a way to restrict in the future the number and acreage of leases, especially in southern areas of North Carolina where there is not a large amount of what I would call expansive bays and sounds, so you know what we're dealing with a very small amount of water area. I would suggest that in the future the state of North Carolina should locate all leases at least 50 feet from any shoreline and the reason I'm doing this is my experience of the natural clam and oyster population does grow well in proximity to the shoreline and pushing the leases out at least 50 feet away from the shore line, this will enable the independent oystermen and clammers to have access to these desirable locations. A 50-foot corridor of access also improves access to the area by people in canoes and kayaks and small boats proficient and quite frankly pushing the leases out to at least 50 feet from shore this would have very little impact to the people who are leasing the areas. It would generally be beneficial to the general public and independent clammermen and oystermen.”

**Ronald Sheffield:** “Elizabeth is working overtime again, and I want to thank her for all her efforts for keeping us straight, she does an excellent job and got to give her a big old shout out. Now Cody, I had the pleasure of working with him all through the winter and showed him some stuff some things that you don't want to happen to you to your equipment. I worked him pretty hard, he is very diligent in learning and has accomplished a lot. I started in 2008 doing this and you know, we didn't have all the kind of growing methods back then and that we do now. So he's gonna be a good guy, you know to work with and do his best to I'm sure control the growing parameters and not anything is gonna irritate anybody. But like I said, I showed him things on how not to farm and he's learned his lesson on that one. I'm gonna thank Cody from coming out here to help me during the winter and we need everybody to help each other from time to time and as we grow exponentially in this

industry and I think we need to continue growing so that North Carolina's oyster and clam market can keep up with the demand. All right, thank you guys for working late to the whole team take care.”

**Patricia Smith:** “That was all who indicated that they wanted to speak.”

**Owen Mulvey-McFerron:** “So if no one else wishes to speak, I move to close the meeting.”

**Closure: 6:19 P.M.**