

## Pender County Shellfish Lease Hearing

# Meeting Minutes

Tuesday, April 15, 2025

Topsail Beach Town Hall

820 S. Anderson Blvd., Topsail Beach, NC 28445

In Person and virtually via Webex

### Attendees

#### Staff

##### In Person

Casey Silva, Shellfish Lease and Aquaculture Program Coordinator

Marla Chuffo, Program Administrative Officer

Kristina Flanigan, Program Conservation Biologist

Mitch Melkonian, Program Administrative Specialist

Elizabeth McCormick, Section Administrative Specialist

Josh McDaniel, Marine Patrol Officer

##### Via Webex

Zach Harrison, Habitat & Enhancement Section Chief

Robert “Scottie” Tripp, Environmental Tech II

Cole Grady, Environmental Tech I

#### Applicants

##### In Person

Benjamin “Ben” Slay

24-015BL/24-016WC

James B. Pumphrey

24-015BL/24-016WC

Thomas A. “Tom” Cannon

24-023BL, 24-024BL

#### General Public

##### In Person

Charles Jeffreys “Jeff” Stewart

Bill Adams

Jeffrey Johnston

Michael Oppegaard

Jeremy Lemaire

William Snyder

Julia Pollock  
Tate Tucker  
Nancy Thomason  
Tolly Spence  
John Koloski  
Ted Shields  
Kathy Shields  
Kit Arn  
Hilary Adams  
Glinda T. Stewart  
Jade Litcher  
Betty Cannon  
Lori Cannon  
Bryan Watts  
Alex Arab  
Frank Braxton  
Cheryl Luther  
Brody Andrews  
Hugh Cannady

**Via Webex**

Kim Creamer  
Ben Creamer  
Scott Jurgensen  
Jack Eynon  
B. O'Brien  
Chip Etheridge  
Nelson Bullock  
Ray  
Nomo Leases  
Call-in User  
Dan Martin  
Jim Gossen  
John Verrier

## **Official Transcript**

### **[00:00] Casey Silva:**

The time is 6:00 o'clock, and I'd like to call this shellfish lease public hearing to order. My name is Casey Silva, and I'm the Shellfish Lease and Aquaculture Program Coordinator for the North Carolina Division of Marine Fisheries Habitat and Enhancement Section. I will be serving as the hearing officer tonight.

The purpose of this public hearing is to receive public comment on the proposed shellfish leases in Pender County. Division staff have conducted site investigations and found that the proposed shellfish leases generally meet the applicable standards for shellfish leasing under North Carolina General Statutes and Marine Fisheries Commission rules reviewed to date.

The Director of the Division authorizes a public hearing for proposed shellfish leases that likely meet all standards for shellfish leasing or for proposed shellfish leases where it is unclear if they meet all standards for shellfish leasing. 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 virtual meeting application. 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 only take public comment on the proposed shellfish leases that have been noticed in the Pender Post on March 13th and March 20th, 2025, and on the Division's 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 the shellfish lease can be submitted to the Division by 5pm tomorrow.

If you wish to speak tonight and 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 on Webex or by phone. Please be advised, all participants will be recorded. Mitch has been taking attendance as people have signed in to the meeting. He will now finalize that and go over the information on how to participate.

### **[02:08] Mitch Melkonian:**

Thank you, Casey.

As you have signed on, I have been recording your names for our attendance records and asking if you would like to speak. We currently have 10 attendees.

Later in the meeting, I will go down the list of those who have indicated they wish to speak. When I call your name, I will unmute you and indicate that you can go ahead. You will be allowed to speak for three minutes.

After everyone on the list has had a chance to speak, I will ask if anyone else wants to speak. If you do, you will need to raise your hand. I will post the instructions in the chat on how to do that now.

Now, turning the meeting back over to Casey.

**[02:45] Casey Silva:**

Alright, so before we begin the public hearing, I will provide a brief overview of the shellfish leasing process and the role of public comments.

**[02:55] Casey Silva:**

First, some shellfish lease basics. Shellfish leases are public trust waters leased for shellfish aquaculture. When we talk about shellfish aquaculture, we are referring to artificially propagated stocks reared in a controlled environment. This differs from wild shellfish harvesting, as leaseholders actively manage their sites to grow shellfish. Shellfish leases grant private rights to cultivate shellfish in specific areas of public trust waters. These areas remain navigable at your own risk, but the leaseholders have exclusive rights to the shellfish within their designated lease.

**[03:26] Casey Silva:**

Shellfish leasing is governed by North Carolina law, primarily outlined in NCGS Chapter 113, Article 16. This includes all legislative changes, including changes from over 20 session laws since 1997.

Additionally, regulations from the Marine Fisheries Commission and specific decisions made by the Division Director influence lease approvals. These laws and rules establish the standards that must be met for a lease to be granted.

**[03:54] Casey Silva:**

The shellfish lease application process is comprehensive and includes multiple steps before a lease can be approved. Currently, we are at the stage of the public comment period, which lasts for 30 days and includes this public hearing. Prior to this hearing, we have already published two legal notices to ensure transparency.

**[04:11] Casey Silva:**

Before this hearing, Division technicians conducted thorough site investigations. These investigations include:

- Marking & Acreage Verification – Ensuring the lease boundaries are properly marked and measured.
- Biological Assessments – Sampling for submerged aquatic vegetation (SAV) and natural shellfish populations using patent tongs to capture both surface and subsurface samples.
- Navigation & Depth Analysis – Evaluating navigational impact at the proposed site on the day of inspection. However, this is only a snapshot and does not characterize year-round public trust usage.

**[04:46] Casey Silva:**

The purpose of this public hearing is to evaluate whether this proposed shellfish lease is compatible with public trust usage. This hearing is not a vote—it is an opportunity for the Division to collect relevant information about potential impacts on navigation, fishing, and recreation.

Public comments may be submitted in three ways:

1. Tonight, during this hearing.
2. Online through the Division's website.
3. By letter, until the public comment period closes tomorrow at 5:00 PM.

**[05:15] Casey Silva:**

The Director will use this input to assess the lease application's compatibility with existing public trust uses and make an informed decision. The possible outcomes include:

- Approval – The lease is granted as proposed.

- Conditional Approval – The lease is approved with required adjustments to address identified concerns.
- Denial – The lease is determined not to meet the defined siting standards.

**[05:38] Casey Silva:**

When providing comments, please focus on specific uses of the proposed lease footprint, rather than general concerns about the waterbody. Examples of helpful comments include:

- I use this shoal for recreation seasonally.
- I use this specific footprint for recreational fishing.
- This specific footprint is the only navigable channel to another area.

We are not looking for broad statements about the waterbody or general opinions on shellfish leasing. Comments should be site-specific to help us determine potential conflicts.

**[06:12] Casey Silva:**

We will now begin the public comment portion of the hearing. Here's how it will proceed:

1. First, I will present information on the proposed shellfish lease.
2. Next, I will invite members of the public who signed up to speak.
3. Finally, I will give each lease applicant the opportunity to make a statement.

With that, I will read the information on the proposed shellfish lease.

**[06:33] Casey Silva:**

The proposed shellfish lease receiving public comment at this hearing is listed here. 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.

**[06:47] Casey Silva:**

Tonight's first lease application is for a 0.51-acre shellfish bottom and water column lease, applied for on April 2nd, 2024, by James B. Pumphrey and Benjamin S. Slay, located in Topsail Marshes.

The management plan indicates the use of oyster seed and floating gear (bags) for the commercial production of oysters within the footprint of the proposed water column lease area.

Division staff conducted a site investigation on May 13th, 2024, which found zero bushels of shellfish per acre and zero submerged aquatic vegetation, which I will refer to as SAV.

**[07:23] Casey Silva:**

Next, a lease application for a 1.33-acre shellfish bottom lease, applied for on June 13th, 2024, by Thomas A. Cannon, located in Banks Channel.

The management plan indicates the use of oyster seed and low-profile off-bottom gear (rack and bag system <18 inches in height) for the commercial production of oysters within the footprint of the proposed bottom lease.

Division staff conducted a site investigation on August 21st, 2024, which found zero bushels of shellfish per acre and zero SAV.

**[07:56] Casey Silva:**

Lastly, a lease application for a 1.33-acre shellfish bottom lease, applied for on June 17<sup>th</sup>, 2024, by Thomas A. Cannon, located in Banks Channel.

The management plan indicates the use of oyster seed and low-profile off-bottom gear (rack and bag system <18 inches in height) for the commercial production of oysters within the footprint of the proposed bottom lease.

Division staff conducted site investigations on August 21<sup>st</sup> and August 22<sup>nd</sup>, 2024, which found zero bushels of shellfish per acre and zero SAV.

**[08:27] Casey Silva:**

Now, I will call on the public for comments on the proposed shellfish lease. When I call your name, please come to the podium, state your name and organization you are representing, where you are from, the lease you are commenting on, and your comments.

Please direct your comments to me as the Division representative, and not to the audience. Your remarks are being recorded through the microphone on the podium. If you do not speak directly into the microphone, it may not be able to accurately transcribe your remarks. You will have three minutes to speak. Kristina is going to be my timekeeper. She will hold up one finger when you have one minute remaining and her hand when have three minutes remaining. The microphone isn't actually on the podium, it's right next to it, but it will still pick up what you say.

If anyone has questions, staff and I will be happy to meet with you after the hearing. For those on Webex, if you have any questions not pertaining to the leases mentioned tonight, please call, or email us. Mitch will place our contact information in the chat for you or you can write it down from the last slide.

**[09:26] Casey Silva:**

First speaker I have is Jeff Stewart.

**[09:36] Jeff Stewart:**

Casey, thank you for coming down to listen to us. My name is Jeff Stewart. I'm here representing myself and my wife, Linda. I've been coming to Topsail Island since I was 10 years old. For the last 21 years, we've owned 826B N. Anderson Blvd., which is located right there in Topsail Beach, North Carolina.

I realize that the state legislature has charged the Marine Fisheries with encouraging cultivation of shellfish production, and the statute says it should be done in a way that is compatible with other public uses, including navigation, fishing and recreation.

The statute also says the secretary may not grant a new lease in an area heavily used for recreational purposes. Now, a picture says 1,000 words, so I brought my picture. This is a frame from the Marine Fisheries site. And here is the site. Here's one, two, three, four existing shellfish lease operations. If this were approved, it would be the first of its kind—In the middle of Topsail Sound. There are other sandbars like that. These little squiggly lines I drew. These are navigation paths that those frequently take. This one right here stretches from the intercoastal waterway up here all the way out to the ocean at New Topsail Beach. Hundreds of boats pass through there—at a rapid rate sometimes. In the summer especially. There's two right there. Here's the Intracoastal Waterway. Imagine it going to Surf City or Wilmington. This is called Harvey's Cut. I should have drawn the line all the way. It is a direct route to the Intracoastal Waterway from this intersection with busy boat traffic. Putting a shellfish cultivation operation right here could be dangerous. It certainly will add to congestion. This sandbar is frequently used by individuals for day camping, kayak to it, wading, fishing. Matter of fact the most notable event we ever saw there was a couple got married on that sandbar. So, I conclude my comments by saying this is

a busy area with lots of people going this way, that way, that's a deep channel for about a mile right there. Why in the world do you want to bring these type of operations out of the marsh into a busy area? Thank you.

**[12:38] Casey Silva:**

Next speaker I have is Bill Adams.

**[12:44] Bill Adams:**

How you doing. I'm Bill Adams. I'm the president of the Marina at Queens Grant. I've been at Queens Grant since November 1999. I appreciate the opportunity to speak with you about our opposition to the shellfish lease number 24-023BL. I ask that any comments be held until I've completed my presentation. The marina at Queens Grant as well as the four different marinas, one of the four associations at Queens Grant. All four of the oceanfront, sound side marina and recreation associations are all opposed to the shellfish lease. Queens Grant dock number four right here is a floating dock. For the proposed shellfish lease, we are probably one of the closest of manmade structures to that proposed shellfish location. This is a three-way intersection that—as he pointed out before—you know, Harvey's Cut and Banks Channel meet right here and there's boat traffic through here all the time. The natural instinct of a watercraft operator would be to move closer to the floating dock and further from the shellfish lease. The backend of boats indicates that it's deeper water there and the poles would indicate shallower water that would be the borders around the shellfish lease. On a busy day of boat traffic, there's already significant impact on dock number four floating dock due to wave action and you know, general stuff. A shellfish lease in that area would increase the danger and safety and stability on those docks. People walking, loading, unloading from boats on that dock could easily get thrown into the water if a boat comes by very close. The ability of Harvey's Cut is heavily dependent on tide levels. It's frequently used by fishermen to go to and from the Intracoastal Waterway, to and from Banks Channel to get to places on Banks Channel and Topsail Island. Lower draft boats normally don't have any problem with navigating Harvey's Cut, but deeper draft boats have to run at a pretty fast pace to stay on plane to avoid hitting the bottom. That's a bad combination for a three-way intersection with bigger boats moving faster. The lease within question would cause more danger for boaters and unprotected, unpowered watercrafts—kayakers, paddleboards, things such as that.

**[15:56] Casey Silva:**

The three minutes is up. Thank you.

**[16:05] Casey Silva:**

Next, I have Jeff Johnston.

**[16:15] Jeff Johnston:**

My name's Jeff Johnston. I'm opposed to the lease applications 023BL and 24-024BL. My daughter and son in law, Jennifer and Scott purchased their home at 920 Observation Lane, Queens Grant in 2018. The house, the boat, the sound, the ocean, are enjoyed by many family members and friends. The house is often filled with adults, plus kids from two years old to 22 years old. Power boating from our lift is a joy. Kayaking out of our canal to the sand bar and into the grassy marshlands around Harvey's Cut is great exercise and inspiring. However, every time anyone kayaks across that narrow channel, we worry. Fast moving boats stream between the sand bar and our docks and canals. We all love shellfish except for a few of our grandkids, but placing a shellfish farm on the south end of our beloved sandbar seems ridiculous. It will further narrow a channel that is already a two-lane road come down from a four-lane highway in both directions. I have pictures of many boats at one time trying to navigate down this channel. Close your eyes for two seconds. Envision a 12-year-old boy happily paddling his kayak to the sandbar and then being hit by a fast-moving motorcraft. It's an ugly scene. It can happen at this time, but it is more likely to happen when that channel is narrowed. We often fish in the sound, but less with less and less success in recent years. Allowing shellfish farms to interfere with hot spots in the sound, to us, seems to continue to decrease the recreational fishing value. Harvey's Cut is one of our favorite places. The grasslands are enchanted, but it's oftentimes one-foot deep at low tide. You have to go fast. Going around that shellfish farm would make it even more dangerous. Right now and very likely every year, you'll see

dredges, which I saw today, right on that spot. One minute? How can you have a shellfish farm if dredges every three or four years are going to come and put their dredge equipment, their pipes, etc., on that spot. It just seems to be a silly place to put it. I also worry a little bit about contamination. I don't know—oysters reduce contamination, but our 38-boat dock marina is right across from there. Might that not hurt the contamination factor. Like surrounding counties, Pender was working on requesting a moratorium on shellfish leases. Then one of our mayors suddenly died, and then another. We need a moratorium to sort this out. Thank you for listening, and thank you in advance for appreciating the potential dangerous impacts of these places.

**[19:13] Casey Silva:**

Next, I have Michael Oppegaard.

**[19:24] Michael Oppegaard:**

Okay, thank you for your time. I rise in opposition to all three leases, 24-015BL, 24-016 water column, 24-023 bottom lease, and 24-024 bottom lease. The problem we have with each of these real quick to run through, top to bottom. I don't need to speak any more about the sandbar the 24-023BL, as we all know, that is a hazard to navigation, not just sort of but an actual hazard to navigation, and is inappropriate for that spot. 24-024BL is also inside the corner at Banks Channel, where Banks Channel meets the Intracoastal Waterway. We run past that to the island is indirect on the back side of a channel that we use all the time. Many of us will run the back channel instead of having to run by the docks and everything else for that. So that is also a navigation to have. 24-015 and 016. We have a channel there that's starting to move south to north right now. The north part is a deeper part. However, the sandbar to the north is starting to fill in. We may have to eventually enter the creek from the south, which will be right next to where we're putting a water column lease that we know that can be a navigation hazard. All three of those spots, especially the 24-024BL and the 24-015BL, are known recreational areas that we fish on a regular basis. The 24-015BL is across from and is down this way. It is across from a town access point where we have many kayakers going into the marsh and this will directly in effect with their enjoyment of the marsh and their ability to fish that creek. Okay, the same thing for the 24-024BL, it is directly across from Lewis Road and is surrounded by already DC Bay, which has approximately 10, six, at least, oyster leases. So, we think we've reached the maximum capacity there perhaps. Thank you for your time. I know it's a hard job. Y'all have a good day.

**[21:53] Casey Silva:**

Jeremy Lemaire is next.

**[22:02] Jeremy Lemaire:**

Hello. I'm Jeremy Lemaire. I'm a resident of Topsail Beach. I live in Queens Grant, one of the many residents. I live there full time. And I'm also representing two HOAs of five mentioned in Queens Grant specifically, but I'm a board member on two. They represent 65 owners on the sound side, and 109 owners collectively within Queens Grant. As mentioned already, our boards, by and large, oppose the lease specifically to 24-023BL. Our concerns, some have already been addressed in terms of navigation. What I think some of the previous speakers have not been able to say is our concerns with the recreational misuse now that is a highly coveted area for all of our, you know, Queens Grant runs from here to here, and that is a primary route for individuals that are kayaking or looking to fish or hang out. Some of the references used earlier, I won't go through all of them, but we're also concerned with the idea that the navigation of this and traversing that route to get to that primary recreational location will be minimized. You know, the quick reference of the vision of somebody getting hit—That makes that much more difficult to get to and from. So imagine trying to jut out with a kayak or a personal watercraft, a small one, and get through what's now already diminished because of that navigational lane that's being subjected to with that, not only that, then they'd have to work around this lease area and then have that visual impairment of the of the stakes that are there, and worry about those individuals that are now trying to shoot through there in a smaller gap to get to and from that location without having the same kind of open space that is authorized, you know, now. So again, we're worried more about the recreational use of it. You've heard some of the navigational issues, but we're worried for safety, obviously, for 24-023BL, specifically. Just appreciate you



guys' time. Thank you for you know, hearing us. I know it's not a fun subject to hear opposition, but appreciate your patience and hopefully you guys make the right decision for our community. Thank you.

**[24:22] Casey Silva:**

Next, I have William Snyder.

**[24:34] William Snyder:**

Good evening. I'm William Snyder. I'm a resident of Topsail Beach. I'm also the chairman of the Topsail Island Shoreline Protection Commission. The Topsail Island Shoreline Protection Commission is composed of representatives of our three Island communities, including the mayors and the board of Commissioner, representatives from Onslow and Pender County. As a commission, we have become increasingly concerned about conflicts between shellfish leases and other uses of our natural resource waters that include commercial and recreation fishing, boating, kayaking and other coastal land and water uses. Not to mention the potential impacts on property values and aesthetics. Due in part to moratoriums of additional shellfish leases in our adjoining counties, New Hanover, in particular, only has eight leases. We have noted a significant rise in shellfish lease siting and lease applications within our local waters. Tonight, you're collecting public comments for three additional leases in Pender County, and next week, you're collecting comments for six additional leases in Onslow County. Your own interactive shellfish leasing map shows much of our area as a cumulative impact area suggesting the Division of Marine Fisheries own concerns about the carrying capacity of additional shellfish leases in our area. The Topsail Island Shoreline Protection Commission has voted unanimously to support a temporary moratorium on additional shellfish leases in our area until we can assess the cumulative impacts of other uses by natural resource wards. Representative Carson Smith has recently introduced legislation, House Bill 841, where he calls for a statewide study on shellfish aquaculture leasing and current moratoriums on shellfish leasing by the North Carolina Collaboratorium. In the spirit of these concerns, the t Topsail Island Shoreline Protection Commission respectfully requests that the North Carolina Division of Marine Fisheries delay consideration of any additional shellfish leases in our public trust waters until conflicting uses and carrying capacity issues can be resolved. Thank you very much.

**[26:59] Casey Silva:**

Next up, I have Julia Pollock.

**[27:10] Julia Pollock:**

Julia Pollock, 828 North Anderson, and I'm right here, one of these lovely people that get bombarded all the time with traffic. You don't know how many times we have seen boats already run aground on the sandbar because and it's growing. It has not. This is really high. Anyway. It's pretty much navigated at your own risk. Frequently both run the ground on our sandbar. You can't get to the sandbar now, with this right in the row. My grandkids like to swim across, which is even more dangerous with, they go with the kayak next to them, so they don't get run over by a boat. We also have a dog right over here, our neighbor's dog, who likes to swim across and it's hard to navigate. In fact, we didn't even know they were there 'til we came out one day, and we were having a hard time getting around the sandbar, and noticed all these white posts, and so then our neighbors made us aware of what they were, and we never heard anything about it through mail. We tried to navigate through the pipes. And what's wrong with all of this area in here? There's nothing in this area. There's plenty of places to put oysters. In fact, there are some oysters back in there. So, I just, just move it. I'm not against the shellfish part. I'm just right here is a very dangerous intersection—Here, here, it's just bad.

**[28:36] Casey Silva:**

Next up, I have Tate Tucker.

**[28:44] Tate Tucker:**

Topsail Beach, very nice spot, by the way. This helps a lot, especially somebody that's not from these waters. Everybody said a lot of good things. The only one thing I'm against this proposed lease, all three of these. This is

the one right across from Queens Grant. And then if you follow, there's basically a double channel. This is a marked channel. This is a secondary channel that's not marked, but it basically runs the entire six miles from the inlet to where we call Channel Bend, because the channel bends back to the Intracoastal Waterway. So, there's only a few spots that he put on here, but I've been here 50 years. If you get on that side, you stay on that side. And if you're on this side, you kind of stay on this side, unless you know where there's some spots to go. So, the only thing I'd say about this lease, to add to what they said, is this sandbar, if you're going to give them that lease, that sandbar is not where it was last year, and that sandbar is not where it was the year before, and 20 years ago, it wasn't there. This is one of our main navigable waters we have. There's Banks Channel, Channel Bend, there's the one marked channel, Howard's Creek, which we used to call Topsail Creek. This was the most used because it was dredged about 60 years ago, and you could be almost sure there was at least one foot of water. The rest of the creeks, we've got about three other creeks in between. You're not sure if you're going to get through there on water. So, this one I'm against because of what they said before. The next one, which is 24-024BL, is in, when this when this channel, secondary channel hits up the Channel Bend, there are two lanes that then come into one. So, you either choose this side or you choose that side. And fishermen choose this side, recreational boaters pick this side. And a lot of good thoughts. And generally, what William said is, right, we're surrounded by people who have moratoriums. So, I always think of it like a sinking boat. If we have a whole coast and we're trying to do this aquaculture and they've all, they're all fine, but we got the hole in the boat. We got to do something about it, and that's why all these people are here. We got either, you can get back to the dock if you manage the leak, but if you do nothing about it, and let the six coming up next week and the three coming up now without sort of pause, then the boat's going to sink. I don't think we have enough information. And I would agree with William that, that we need to, that we need to pause on this, because we don't have enough information about how much, what density should we have? Because we're not Bouge Sound. We're not, all those waters are bigger than us, Bouge Sound, Core Banks, everywhere. So, for our water, we need to have what's appropriate for us. Thank you.

**[31:35] Casey Silva:**

Next, I have Nancy Thomason.

**[31:42] Nancy Thomason:**

Nancy Thomason, I live at 304 Empie Avenue. I've been coming down here since I was a child. I'm a commissioner, but I'm here today as a private resident, and I'm against all three of the leases. In 2009, there were no shellfish lease applications. There were applications in single digits until 2015 when the numbers just morphed. In 2019, there were 58, 2022, 43, and 28 last year. In 2019, 205 bottom and 167 column leases were in place, and there at least by 2020, 52 leases covering 1,719 acres in eight coastal counties. The most of them are in Carteret, there's 127, 81 in Onslow, and Penders third with 52. So, we've got a heavy concentration. What is not reflected is the breadth of the waters in the counties and the saturation rate. We have zoning laws down here to prevent too much building on a lot. You know, if you compared the amount of space that the various counties have, the density of leases in Pender I think, were overpopulated with them. Topsail's different than Onslow, Hyde, and Carteret. Our waterways are very, very narrow, and they're shared by boaters and fishermen. Leases in place already compromised the pleasure of kayaking in the marsh. It is no longer peaceful and serene. You've got people back there with the leases, they're doing tours, there's noise, and then you've got the poles, which, quite frankly, are unsightly. The new proposed lease, one of them, blocks one of the exits from kayaking through the marsh. Another makes navigating through Harvey's Cut very perilous. I think about the above water columns and children kayaking or tubing or skiing, and it's going to take one accident where somebody turns and the channel is already very narrow, and a skier hits the equipment out there and is severely damaged. There's not enough room out there for us to continue to enjoy the waters as we have in the past and make room for fishermen and for what is being proposed in these leases. I think we need to have the moratorium. The other counties got it. They got theirs first, shame on us, but I think it would be prudent to pause any other leases until the state can figure out how are they treated statewide. It's unfair—One county has a moratorium and we get all of the leases they would have gotten. Also should be adjusted based on the size of the body of the water. Thank you.

**[34:30] Casey Silva:**

Next, I have Tolly Spence.

**[34:40] Tolly Spence:**

Appreciate the opportunity to touch base with you today. I'm opposed to the leases, especially 24-023BL and 24-024BL as well. At a shallow draft dredging meeting that we had a while back, they said, if you live in Topsail, if you hadn't scraped the paint off the bottom of your motor, you're not boating, okay? I say that because that Harvey's Cut, a lot of times we're drifting, waiting our turn to kind of cut into the channel, and oftentimes that current is ridden through there. And if you're kind of waiting for the channel to clear, to go ahead and cut into Harvey's Cut, you want to make your, you're right on top of, you know, the sand bar or whatever. And so anyhow, I benefit from a shallow boat with the paint scraped off. So, I say that because there's a lease that's right out back along the banks, now, that's 0.83 acres that's marked out. It looks like it's a half mile long. I can only imagine that 1.33 acres is huge, and it's hard to understand the surface of that, until you actually see, and I can tell you 0.83 is a lot, and I don't think, I feel like, if people, if commissioners, put eyes on these spots, and you mark off the surface area, you will realize how much it would impact. So, as it relates to that, I felt, you know, Tuck is somebody that actually gives water taxi and tours and stuff like that. And believe me, they really, thank you. They love to get up close and see the birds, see the dolphin and everything else. When you're putting 1.33 and, in this case, 2.66 acres, marking it off, that's a lot, and I do feel like the population growth in Pender and New Hanover—We're getting all that boat traffic. And when these people rent boats up in Surf City and they come down, guess what? They're not driving on the right side of the of the markers, they're driving right up on the sandbars and everything else. So, to the point about kids kayaking back and forth from the marsh, very dangerous. So, thank you for taking our comment. I would challenge the commissioners to put eyes, come down and look at this during the summer, when you see all the boats, it's crazy, good, crazy, but crazy.

**[37:47] Casey Silva:**

Alright, now, Mitch will call the folks who are joining us via Webex or by phone who wish to speak. He will unmute you after he calls your name.

**[37:57] Mitch Melkonian:**

First, I have Kim Creamer. Please feel free to unmute and go ahead. You have three minutes. I have requested to unmute you.

**[38:27] Kim Creamer:**

Good evening and thank you for the opportunity to speak tonight. My name is Kim Creamer. My husband and I reside at 828B N. Anderson Boulevard. I am here to voice strong opposition to proposed shellfish lease 24-023BL, in Topsail Sound. This lease is situated in a highly trafficked recreational zone between Harvey's Cut and the main channel, an area actively used by boaters, kayakers, sailors, paddleboarders, jet skiers and families engaging in water sports and sandbar activities, such as tubing and water skiing. The introduction of a shellfish lease in this specific location would significantly restrict navigation and impair the safe enjoyment of these activities. On any given day, you will find families on the southern side of this proposed lease anchoring to have safe harbor from the channel in shallow water and enjoying the sandbar. You will find families crossing this area to and from Harvey's Cut. You will find families on the northern side participating in water activities such as water skiing, recreational activities literally occur all around and on top of this proposed lease area. Equally important, this area would seem to meet the requirements for denial of the proposed lease under Article 16, Statute 113-202B of North Carolina General Statutes that state the secretary may not grant a new lease in an area heavily used for recreational purposes. This proposed lease area meets that definition through its current continuous use for non-commercial recreation. To proceed with this lease approval would violate both the spirit and the letter of these legal protections. The proposed location of this shellfish lease is contrary to all other shellfish lease locations already in the sound as Mr. Cannon proposes placing this one right in the middle of the channel in a high recreational use area in which recreational activities occur on either side of the proposed lease

area, on the sandbar of the proposed lease area, and all across the waterway of the proposed lease area. This is not about opposing the shellfish industry as a whole, it is about preserving a unique and vital recreational space that serves both residents and tourists and is central to the identity and economy of our island community. I respectfully urge the division to deny lease 24-023BL and uphold the state's responsibility to protect public trust waters for the safe recreational use of all. Thank you for your time and consideration of our concerns.

**[41:15] Mitch Melkonian:**

Thank you, Kim. Next, I have Ben Creamer. Please feel free to unmute and go ahead. You have three minutes. I have requested to unmute you.

**[41:57] Ben Creamer:**

I just wanted to echo the concerns of many, not to, you know, relitigate the points made, but, in particular, couple of the items were of concerned. One is, you know, we literally watch and it's, I'm talking about 24-023BL, we watch families, young kids, navigate from Queens Grant area over to the sandbar, and they literally go the deepest end of the sandbar oftentimes, and walk their way up to the drive part of the moment to enjoy time on the sandbar. This area also is an area where, at deeper times, boats trying to get through Harvey's Cut—Can't count how many times, you know, we see, you know, people cut that curb and cut that corner to get the Harvey's Cut—Just seems like a very dangerous spot to put something like that. And I mean, the number of families that enjoy that spot during any given day in summer is amazing. It's a great thing to see, and to have that taken away would be a great concern. I think when this show, this lease was introduced in this conversation earlier, from whoever introduced the various leases, she mentioned exactly a very latent point, which is in the middle of banks channel, lease 24-023, I can't imagine putting something in the middle of any channel, and so I'll give the rest of my time. Thank you.

**[43:40] Mitch Melkonian:**

Thank you, Ben. Next, we have B. O'Brien. I have requested to unmute you. Please feel free to go ahead. You have three minutes.

**[43:57] Mitch Melkonian:**

Next, we have Chip Etheridge. I have requested to unmute you. If you wish to speak, please feel free to go ahead.

**[44:13] Mitch Melkonian:**

Next, we have Nelson Bullock. If you wish to speak, please feel free to go ahead.

**[44:27] Mitch Melkonian:**

Next, we have Ray. If you wish to speak, please feel free to go ahead.

**[44:39] Mitch Melkonian:**

Next, we have Nomo, by the first name. If you wish to speak, please feel free to go ahead.

**[44:49] Mitch Melkonian:**

And finally, I have one individual who has dialed in by phone. If you wish to speak, please use \*\*6 to unmute.

**[44:49] Mitch Melkonian:**

It doesn't look like anyone else is unmuting. That is all participants joining by Webex. Casey.

**[45:15] Casey Silva:**

Alrighty, so that concludes our registered speakers.

Was there anyone I missed or anyone who has changed their mind and would like to speak? If so, please raise your hand. Instructions are posted in the chat.

**[45:26] Attendee:**

I just want to know if you have a picture of what one of these looks like when it's up and running?

**[45:32] Casey Silva:**

Not in this current presentation, no.

**[45:35] Attendee:**

Is there a place where I can go?

**[45:40] Casey Silva:**

I'm sure we could get some for you, yeah.

Alright, Mitch, do you have anyone online that wishes to speak?

**[45:54] Mitch Melkonian:**

Ben Creamer has asked if we could give more time to Mr. Adams to finish. I believe that was the first speaker. That is the one request online, but we do not have any additional speakers.

**[46:05] Casey Silva:**

I'm sorry, we're only allowed three minutes per person.

**[46:09] Mitch Melkonian:**

Then that is it for online speakers.

**[46:13] Casey Silva:**

Okay, now, I will call on the applicants and give them an opportunity if they wish to speak on their proposed shellfish leases. This is not a requirement of the applicant.

As a reminder, you will have three minutes to speak. I will hold up my finger when you have one minute remaining, and my hand when you reach three minutes.

I would like to call on James Pumphrey and Benjamin Slay, to present their proposed shellfish lease.

**[46:42] Casey Silva:**

Alright, I would like to call on Tom Cannon, to present his proposed shellfish leases.

**[46:54] Tom Cannon:**

Thank you everybody for coming out, and thank you for making this fantastic map—It's really helpful. My idea of putting the lease here was that these two things would be actually aids to navigation. And you would be able to see where the where the channel began, as the channel really, really begins here and then extends out to this island here. You'll still be able to use all of the land area in here for recreational use, but there will be some gear on there. But during high tide, you can go over the top. And during low tide, you can go in between and walk through, and you can even, you can even tie up the your boats to our gear, if you really want to. But if, now I realize that there's a lot of people that don't want the lease there. I would be happy taking a smaller portion or forego the lease because of the public concerns, but the other lease is not really as much public conflict, but I would also take a smaller portion of that to make it less conflict-ful, conflicted. And I just thank you all for coming out and voicing your opinions, and thank you guys for setting it up, and that's all I got.

**[48:27] Casey Silva:**

Alright, is there anyone else who would like to comment on any of these proposed shellfish leases?

Alright, if no one else wishes to speak, I will close this public hearing. I would like to thank you for your time and participation in this process. Time of closure is 6:49 PM.