

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

*June 2, 2021*

*Present:* Owen Mulvey-McFerron – Program Coordinator, Shellfish Lease Program  
Jacob Boyd – Section Chief  
Teri Dane – Shellfish Lease Biologist  
Marla Chuffo – Administrative Specialist I  
Scottie Tripp – Staff  
Andrew Wells - Staff  
Elizabeth McCormick – Staff  
Zach Harrison - Staff  
Patricia Smith - Staff

*Attendees:*

Thomas Cannon, Lou Cannon, Holden Davanzo, Mike Davanzo, Robert Ryan Gadow, Joshua Thompson, Wayne Rees, Brandon Welch, Steven Anderman, Nelson Bullock

*Meeting:* 11 May 2021, 6:00-6:25 PM via WebEx for Onslow County proposed shellfish leases

*Applicant(s):* Thomas Cannon, Anchored Life Oyster Farm, LLC, Holden Davanzo (Agent), Nelson Bullock, Louis LeMoine, Joshua Thompson and Dolphus Thompson Jr (2 applications), Three Little Spats Oyster Company, LLC, Robert Ryan Gadow (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 **7** proposed shellfish leases in Onslow 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 Jacksonville Daily News on April 6th, April 13<sup>th</sup>, and May 10<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 **bottom and water column** lease applied for on **September 30<sup>th</sup>, 2019** by **Thomas Cannon** located in **Permuda Island Bay** and as proposed will cover approximately **8.16** acres. The management plan indicates the use of **floating gear** for the commercial production of **oysters**. Division staff conducted a site investigation on **June 22<sup>nd</sup>, 2020**. The results of that investigation found **two** bushels of shellfish and **zero** submerged aquatic vegetation, which I will refer to SAV for the rest of this hearing.”
- (2) “A shellfish **bottom and water column** lease applied for on **March 4<sup>th</sup>, 2020** by **Anchored Life Oyster Farm, LLC, agent Holden Davanzo**, located in **Spicer or Everett Bay** and as proposed will cover approximately **1.86** acres. The management plan indicates the use of **floating gear** for the commercial production of **oysters**. Division staff conducted a site investigation on **June 10<sup>th</sup>, 2020**. The results of that investigation found **3.8** bushels of shellfish per acre and **zero** SAV.”
- (3) “A shellfish **water column** lease applied for on **March 4<sup>th</sup>, 2020** by **Nelson Bullock** located in **Alligator Bay** and as proposed will cover approximately **2.26** acres. The management plan indicates the use of bottom and **floating gear** for the commercial production of **oysters**. Division staff conducted a

site investigation on June 10th, 2020. The results of that investigation found **6.2** bushels of shellfish per acre and **zero** SAV.”

- (4) “A shellfish **bottom and water column** lease applied for on **March 11th, 2020** by **Louis Lemoine** located in **Mainland Areas near Topsail Sound** and as proposed will cover approximately **4.55** acres. The management plan indicates the use of **bottom and floating gear** for the commercial production of **oysters and clams**. Division staff conducted a site investigation on **June 9th, 2020**. The results of that investigation found **4** bushels of shellfish per acre and **zero** SAV.”
- (5) “A shellfish **bottom** lease applied for on **March 9<sup>th</sup>, 2020** by **Joshua Thompson and Dolphus Thompson Jr.** located in **Stones Bay** and as proposed will cover approximately **8.09** acres. The management plan indicates the use of **bottom gear** for the commercial production of **clams**. Division staff conducted a site investigation on **June 15th, 2020**. The results of that investigation found **6.7** bushels of shellfish per acre and **zero** SAV.”
- (6) “A shellfish **bottom and water column** lease applied for on **March 9th, 2020** by **Joshua Thompson and Dolphus Thompson Jr.** located in **New River, below the 172 bridge** and as proposed will cover approximately **8.19** acres and **2.01** acres, respectively. The management plan indicates the use of **bottom and floating gear** for the commercial production of **oysters and clams**. Division staff conducted a site investigation on **October 12-13th, 2020**. The results of that investigation found **1.46** bushels of shellfish per acre and **zero** SAV.”
- (7) “A shellfish **water column** lease applied for on **September 2nd, 2020** by **Three Little Spats Oyster Company, LLC, agent Robert Gadow**, located in **Permuda Island Bay** and as proposed will cover approximately **9.01** acres. The management plan indicates the use of **floating gear** for the commercial production of **oysters**. Division staff conducted a site investigation on **December 10th, 2020**. **No sampling was conducted as there is an existing shellfish bottom lease.**”

“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.”

**Thomas Cannon:** “OK, thank you. The reason we are asking for an expansion today is that we have fully maximized our capacity on the current three-acre lease, we would like to expand to make our lease larger so that we can increase production of our shellfish and create a larger thoroughfare through our lease area for other local watermen and recreational boaters. The crabs are the biggest frustration on our farm, the most fierce predator, any way that we can eliminate them from our lease we welcome. We currently have a 30-foot thoroughfare for larger boats, but we would like to expand that to 50 feet. We would like we want other local watermen and recreational boaters to full access to our lease. Our boats are the same as those used by local crabbers, we can navigate our lease easily in our 20-foot flat bottom boat. We want to make it even easier for other watermen and recreational boaters to operate on our lease and take crabs or just enjoy being on the lease. With a new addition, we will be able to provide two fifty-foot-wide thoroughfares throughout least there would easily accommodate any vegetable wanting to travel through and in addition to that we'll have a split in between

them so that there'll be a 40 to 50-foot lane for them to run perpendicular to the intercostal waterways in case they would like to be able to access the waterway more easily. We just want to make it more accessible for everyone and increase our production at the same time. We don't want to hamper anyone in any way and we were more than willing to accommodate and work with our local watermen to make sure that we are helping people out and also doing well for ourselves. So, thank you for your time.”

**Holden Davanzo:** “This is Mike and Holden Davanzo with Anchored Life Oyster Farm. We currently have two farms right now that we use bottom cages for and we're hoping to switch over to floating on this farm here. With this farm, it's tucked away in a cove that should be less water traffic going through this but with the cages it'll be more organized more spread out to allow our boats, other boats plenty of fishing boats to work around the farm as needed. With these floating cages again, it would be more organized. It'll help us work more efficiently with less machinery be less obtrusive to those around us. Hope it brings a better product. In doing so, we can also increase production and hopefully add to our existing farms production right next door. With this farm, we have their bottom least next door, we have plenty of people come around fishing crab farmers around there. We welcome them and hopefully work symbiotically with them and hopefully our oysters will help provide a nice habitat for where their local fishermen watermen and crab fishermen. But I think that's all we have.”

**Nelson Bullock:** “So my name is Nelson Bullock and I'm applying for 2.6-acres in Alligator Bay. This will be my first lease I've applied for. The past nine years now I've worked for UNCW, working their shellfish farm, it's about three acres some other experience of that word for a very large scale oyster farm and south Australia and trying to get into it, it's gonna try to be a side business for me, but yeah. We're on the farm to UNCW who've and I believe in keeping a tidy organized farm that is well marked and follows all the rules under DMF and yeah really excited to get this started and thank you.”

**Louis LeMoine not in attendance.**

**Joshua and Dolphus Thompson:** (technical difficulties)

**Robert Ryan Gadow:** “This is a Robert Gadow with Three Little Spats Oyster Company. Not a whole lot to say except we're taking our existing lease that we use on the back side of Permuda Island, would like to maximize our footprint to add the water column, you know, to up our production and oysters we're not asking for anything other than you know, adding the water columns on the existing bottom lease.”

**Joshua and Dolphus Thompson:** “My name is Joshua Thompson. I'm speaking on behalf of myself and my father Dolphus Thompson and we are a local commercial fishing family we've been in this for about four generations now we're just trying to make the jump into the aquaculture side of things. Definitely the future for commercial fishing if we want to survive in the industry. And I would just like to say thank you to Owen, Marla and especially Miss Teri Dane for putting up with us through this process. I know it's been a long process and you guys are probably tired of hearing from me, but I definitely appreciate it. Miss Teri Dane without her we wouldn't have the opportunity to try and re-acquire my great-grandmother's shellfish lease 8803, so I definitely appreciate that.”

Owen asks if he would like to speak on behalf of the second application being presented.

**Joshua Thompson:** “Yes, sir, that is my great-grandmother's leaf. It was unfortunately lost to our family. And we are just trying to re-acquire that it's really old lease and just appreciate you guys giving us the opportunity to re-acquire that.”

Public comment:

**Wayne Rees:** “My name is Wayne Rees. I live in Holly Ridge here in Onslow County. I live very close to Stump Sound. I part time commercial clamming and oystering. I am concerned about the exponential growth of the shellfish leases here in Onslow and also Pender County. Understanding there's no limit to the leases which can be granted so long as the proposed leases meet the State criteria. I am not against the leases but the lease is due several things. First, they restrict public use of the leased water. They are a navigational hazard. This is particularly true for the water column leases. I have a couple of requests; first of all, the state of North Carolina needs to find a way to restrict the number of acres of leases, especially here in the southern zone, because we're very limited in terms of the amount of water that we have available to us. And I have for the future is the state of North Carolina should locate all leases at least 50 feet from the shoreline. I have a couple of reasons for this. The naturally growing clams and oysters grow well in proximity to the shoreline and placing the leases at least 50 feet offshore, this will enable independent oystermen and clambers for these better spots and secondly a 50 foot corridor along the shoreline enables to improve the access to the water by canoes kayaks and small boats and really an in many cases of the you know, a 50 feet limit from the shoreline would have no impact on some leases and it would have a minimal impact on many leases and I think it would be a benefit to the general public as well as independent clambers and oystermen, so that that concludes my comments.”

**Brandon Welch:** “Brandon Welch here, former owner of Z & Z aquaculture. Speaking on behalf of Mike and Holden Davanzo, the two of them own Anchored Life Oyster Farm. And they purchased my oyster farm, but I just wanted to attest to their experience and their knowledge and expertise in the shellfish area and what they're trying to do is simply make the North Carolina waters cleaner and then make some money doing so as well as trying to teach their kids, you know how to utilize aquaculture as well. So, I definitely support their endeavor and this lease application. That's it. Thank you.”

**Steven Anderman:** “Nothing to add to Mr. Gadow’s comment. I work with the Three Little Spats organization and Ryan spoke to the points for the water column lease. Thank you.”

**Patricia Smith:** “That was all who indicated that they wanted to speak if there's anyone who's changed their mind and would like to speak now if you would please raise your hand and again the way you raise your hand is by hitting that little hand icon or if you're on the phone you hit need to hit Star 3. (Further instructions on how to raise a hand to speak).” Patricia states there is no one raising their hand to speak.

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

**Closure: 6:25 P.M.**