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Galveston court blocks oystermen with controversial land lease

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Posted: Monday, November 2, 2015 11:15 pm

By MARISSA BARNETT The Daily News

A district court judge in Galveston blocked an Anahuac oyster company claiming exclusive rights to 23,000 acres of submerged land in Galveston Bay from entering the area and keeping other oystermen off the area's reefs.

Siding with several Galveston Bay-area oyster companies, Judge Lonnie Cox of the 56th District Court on Friday granted a temporary injunction that would open the disputed waters to oystermen who hold Texas Parks and Wildlife Department permits to harvest on the public reefs. The public season started Sunday and runs through April 30.

The ruling was the latest in a lawsuit brought by oyster companies Hannah Reef Inc., Shrimps R Us Inc., Ivo Slabic and Michael Ivic against Sustainable Texas Oyster Resource Management.

The injunction would prevent the owners of Sustainable Texas Oyster Resource Management from entering the disputed waters until after a trial, which the court scheduled for May 5, according to the injunction.

"The court finds and concludes that plaintiffs have made a sufficient showing to support their claims of irreparable injury and imminent harm," according to the injunction.

"Specifically, plaintiffs will be irreparably harmed if defendants are not immediately restrained from taking actions to enforce the oyster lease."

Tracy Woody and Ben Nelson, the owners of Jeri's Seafood in Smith Point, purchased a lease to oyster rights for that section of the bay from the Chambers-Liberty Counties Navigation District in April 2014, which they have argued gives them exclusive rights to the oysters within the area.

The move created a firestorm of dissent from competitors and the Texas Department of Parks and Wildlife, which manages dredging rights in the area.

"Jeri's Seafood came in and decided by hook or crook they were going to own 23,000 acres of Galveston Bay and push everyone else off," Cris Feldman, attorney for the plaintiffs, said.

"We argued that they should not be able to come in and steal the property worked on by the plaintiffs in this case for decades."



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The state's wildlife department is the established agency with the authority to regulate the state's oyster industry and issue permits, not the navigational district, Feldman said.

"Out of the blue, with this sham lease, Jeri's Seafood has declared itself the new sheriff in town," he said.

James Galbraith, the attorney listed on the lawsuit to represent Sustainable Texas Oyster Resource Management, did not return calls from The Daily News on Monday.

Woody has argued that his company is trying to prevent overfishing of oysters and improve the bay's environment for oysters. The navigation district also has the authority to issue the lease, he has said.

Galveston Bay is one of just two bays in the state open during the start of the public oyster season. Most other areas are closed because of red tide and excessive rain. Seafood industry watchers have said the closures are likely to increase oyster boat traffic in Galveston Bay.

Contact reporter Marissa Barnett at 409-683-5257 or

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