

of the soft shell clam beds within Queen Anne's County and to prohibit the taking or catching of soft shell clams therefrom, whenever in the judgment of the Commission of Tidewater Fisheries it shall seem necessary or desirable to protect or promote soft shell clams by any restorative measure which the Commission of Tidewater Fisheries may deem advisable.

(p) *Procedure for Opening and Closing Areas.*—(1) Before closing any soft shell clam area in Queen Anne's County, the Commission of Tidewater Fisheries shall first give notice to all licensed soft shell clam dredgers residing in Queen Anne's County by four (4) days written notice from date of mailing, which said notice shall have described the area to be closed, and the proposed date of the closing; which notice shall be deemed to be sufficient if mailed to the address of said licensees on the records of the Commission of Tidewater Fisheries.

(2) It shall be unlawful to take or catch, or attempt to take or catch, soft shell clams, in any manner whatsoever, in or upon any area in Queen Anne's County which has been closed by rule or regulation of the Commission of Tidewater Fisheries.

(3) The Department of Research and Education and/or the Commission of Tidewater Fisheries shall from time to time determine the actual condition of the shellfish population in the water or submerged bottoms of Queen Anne's County, or the Chesapeake Bay adjacent thereto, in those parts thereof where the dredging of soft shell clams is not otherwise specifically prohibited.

(4) The opening and closing of waters and/or submerged bottom in Queen Anne's County, or the Chesapeake Bay adjacent thereto, may also be determined by quantitative shellfish population surveys conducted by the Commission of Tidewater Fisheries and/or the Department of Research and Education, the results of which surveys shall be public information.

(5) Within sixty (60) days after the completion of any survey or re-survey, the Commission of Tidewater Fisheries shall amend its charts or prepare new charts, whereon shall be marked or defined as accurately as possible the bounds of commercially productive oyster areas and/or commercially productive clam areas; which said charts shall be made available to the public. No existing lease shall be invalidated either in whole or in part by facts determined in any such survey or re-survey unless the lessee voluntarily, or by non-payment of rental or other fees, forfeit his lease.

(q) *Legal and Illegal Areas*—(1) It shall be unlawful to take or catch, or attempt to take or catch, soft shell clams with a hydraulic or mechanical dredge, or with any other type of gear, as follows:

(a) In the Queen Anne's County waters of Eastern Bay and its tributaries; or in

(b) Shipping Creek; or in

(c) Cox's Creek (also known as Coxe's Creek); or in

(d) Crab Alley Bay (also known as Crab Alley Creek); or in

(e) Wye River (also known as Front Wye River) and Wye Narrows, south of a line drawn between the southernmost tip of Ferry