

(a) (1) The department [shall] MAY resurvey [the] ANY submerged [areas] AREA of the state to determine the position and extent of any natural oyster or clam bar and barren bottom. If the department finds, upon resurvey, that ANY natural oyster or clam [bars are incorrectly] BAR IS located INCORRECTLY on existing charts, or that the existing charts do not reflect the actual condition of submerged lands, the department shall amend THE existing charts or prepare new charts. In addition, the department shall mark as accurately as possible the correct location and bounds of [all] EACH natural oyster or clam [bars] BAR, then existing in the area being surveyed, on any amended or new [charts] CHART.

(2) A RECLASSIFICATION OF SUBMERGED AREAS OF THE STATE TO CLAM BARS MAY NOT BE MADE UNLESS AN ENVIRONMENTAL IMPACT STUDY INDICATES THAT A HYDRAULIC CLAM DREDGE WILL NOT IMPAIR THE BOTTOM OR ADVERSELY AFFECT OTHER MARINE LIFE. THE ENVIRONMENTAL IMPACT STUDY SHALL BE PERFORMED BY AN INDEPENDENT PROFESSIONAL ORGANIZATION TO BE SELECTED BY THE DEPARTMENT, WITH THE CONCURRENCE OF THE JOINT STANDING COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW OF THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1979.

Approved May 29, 1979.

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