

- (2) THE HARVEST LIMIT;
- (3) THE SEASONS, DAYS, AND TIMES WHEN OYSTERS MAY BE HARVESTED;
- (4) A MINIMUM SIZE LIMIT OF NOT LESS THAN 3 INCHES; AND
- (5) A MAXIMUM SIZE LIMIT.

(C) (1) AN ACTION OF THE DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION MAY NOT BECOME EFFECTIVE UNTIL:

(I) A COPY OF THE NOTICE TO BE PUBLISHED UNDER ITEM (II) OF THIS PARAGRAPH HAS BEEN DELIVERED TO THE JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW; AND

(II) 48 HOURS AFTER NOTICE HAS BEEN PUBLISHED:

(1) 1. IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE STATE;

(2) 2. IN AT LEAST ONE NEWSPAPER CIRCULATED OF GENERAL CIRCULATION IN EACH COUNTY IN WHICH THE AFFECTED WATERS ARE LOCATED; AND

(3) 3. ON THE WEBSITE OF THE DEPARTMENT.

(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL STATE ALL APPLICABLE REASONS FOR THE DEPARTMENT'S ACTION.

(D) THE DEPARTMENT SHALL USE THE FOLLOWING BIOLOGICAL CRITERIA FOR THE OPENING AND CLOSING OF A HARVEST RESERVE AREA:

- (1) GROWTH RATES;
- (2) DISEASE PREVALENCE AND INTENSITY;
- (3) MORTALITY THRESHOLDS; AND
- (4) BIOMASS THRESHOLDS.

4-1103.

(a) The Department shall take measures which in its judgment seem best calculated to increase the productivity or utility of any part of the natural oyster bars of the State.

(b) The Department may close in any year no more than 30 percent of the natural oyster bars in the waters of the State. The Department may prohibit or restrict the catching of oysters on natural oyster bars whenever in its judgment these measures will increase the productivity or utility of these areas. The Department may plant oysters, shells, or other cultch or take any other restorative measures, which it deems advisable, on natural oyster bars. The Department shall, BEFORE PUBLICATION, DELIVER TO THE JOINT COMMITTEE ON ADMINISTRATIVE,