

(2) Upon receiving the application and a [\$25 application fee to cover advertising costs, the Department shall advertise the application once a week for four successive weeks in a newspaper published in every county] \$300 FEE, THE DEPARTMENT ~~MAY~~ SHALL CONDUCT A RESOURCE SURVEY OF THE PROPOSED LEASE SITE. THE DEPARTMENT ~~MAY~~ SHALL DENY A LEASE APPLICATION WITHOUT FURTHER ACTION ON THE APPLICATION IF THE SURVEY RESULTS INDICATE THAT THE SITE IS A NATURAL CLAM OR OYSTER BAR AS SPECIFIED BY THE CRITERIA IN THE DEPARTMENT'S REGULATIONS OR THIS SUBTITLE.

~~(3) ANY APPLICATION FOR AN AREA WHICH IS NOT INITIALLY DETERMINED TO BE A NATURAL OYSTER OR CLAM BAR SHALL BE ADVERTISED IF THE RESULTS OF THE SURVEY CONDUCTED UNDER PARAGRAPH (2) OF THIS SUBSECTION DO NOT INDICATE THAT THE SITE IS A NATURAL CLAM OR OYSTER BAR, THE DEPARTMENT SHALL PROCEED WITH ADVERTISING THE APPLICATION ONCE A WEEK FOR 4 SUCCESSIVE WEEKS IN A NEWSPAPER PUBLISHED IN THE COUNTY OR COUNTIES WHERE THE PROPOSED LEASE IS TO BE LOCATED. The advertisement shall describe the location of the area applied for, the location of the stake marker, and give the name and residence of the applicant. [The Department may not issue any lease unless it advertises in this manner. The application fee shall remain with the Department until final disposition of the application. If an applicant is not granted a lease for any reason the application fee shall be returned to the applicant.]~~

(d) Immediately after the termination of the respective periods prescribed for the filing of petitions or appeals, or immediately after the final decision upon any protest or appeal the Department shall notify the applicant by letter that it is ready to issue the lease. [Upon payment of a recording fee of \$5 and a fee of \$20 to cover surveying costs, the] THE Department shall [accurately survey the] CONDUCT A SURVEY AND MARK THE LOCATION OF THE LEASED area, execute a lease, enter the lease upon a book to be known as the "Register of Titles to Oyster Lands," and mail the lease to the applicant for his signature.

4-11A-07.

(a) [The] EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION THE term of leases for submerged lands shall be 20 years at an annual rent the Department deems proper and commensurate with the value of the leased land.

(b) If the Department ascertains that any leased area is affected by environmental factors which destroy or seriously impede the culture and growth of oysters and threaten the potential of the area for continued oyster production, it may reduce or abate the annual rent by an amount and for a period the Department deems equitable and reasonable in view of the degree of damage.

(c) (1) IN THIS SUBSECTION, "UTILIZE" INCLUDES THE PLANTING OR HARVESTING OF NOT LESS THAN 25 BUSHELS OF OYSTERS OR 25 BAGS OF CLAMS PER LEASE DURING 1 YEAR OF EACH 3-YEAR PERIOD.

~~(4)~~ (2) If any part of the rent required by a lease remains unpaid for