

*mercial utility it is the judgment of the Department that the need for the closing of such bar for restorative purposes from the standpoint of the public welfare substantially outweighs the usefulness such bar would have commercially. Upon an area so closed the Department may plant oysters, shells or other cultch, or it may take any other restorative measures in connection therewith, which it may deem advisable.*

(c). *Advertisement for closing an area.—Before closing any area the Department shall first hold a public hearing in Annapolis if the area to be closed is located in the Chesapeake Bay or if the area to be closed is located in county waters in the county seat of the particular county in whose waters the area is located. The time, place and purpose of such hearing as well as the location of the area intended to be closed shall be advertised once a week during the two weeks immediately preceding the date of the hearing in a newspaper of general circulation in the county, if the area is located within the waters of any county, or in a newspaper of general circulation in the State, if the area is located in the Chesapeake Bay.*

(d). *Procedure for closing an area.—The members of the public at such a hearing shall be permitted to express their views with respect to the necessity of closing the area and the extent of its commercial utility. The determination of the Department after such hearing as to such questions of fact, however, shall be final. THE HEARING SHALL BE HELD BEFORE, AND THE FINAL DETERMINATION MADE BY, A COMMITTEE OF TEN PERSONS CONSISTING OF THE FIVE MEMBERS OF THE TIDEWATER FISHERIES COMMISSION, FIVE MEMBERS OF THE LOCAL COMMITTEE AS SET FORTH IN SECTION 707 (J) HEREOF, WHEN THE AREA UNDER CONSIDERATION IS LOCATED IN COUNTY WATERS, WHICH SAID LOCAL COMMITTEE SHALL BECOME EX-OFFICIO MEMBERS OF THE TIDEWATER FISHERIES COMMISSION, PROTEMPORE, FOR THE PURPOSE OF SUCH DECISION AND SHALL HAVE ALL THE RIGHTS, PRIVILEGES AND AUTHORITY OF THE TIDEWATER FISHERIES COMMISSION IN RELATION TO THE MATTERS AS ABOVE SET FORTH IN THIS SECTION RELATING TO THE AREA UNDER CONSIDERATION, INCLUDING THE RIGHT TO VOTE ONE VOTE FOR EACH OF THE MEMBERS OF THE LOCAL COMMITTEE. EACH OF THE FIVE MEMBERS OF THE TIDEWATER FISHERIES COMMISSION SHALL HAVE ONE VOTE. A MAJORITY OF THE TEN VOTES CAST AS AFORESAID SHALL BE NECESSARY TO CARRY ANY MEASURE UNDER CONSIDERATION AS HEREIN SET FORTH. The Department shall keep minutes of the hearings and shall file in its office as a public record a statement setting forth the decision and the reasons therefor. If the decision of the Department is to close the area in question, a notice of the date of the closing shall be published for one week prior thereto in the newspaper bearing the notice of the hearing. ANY PERSON MAY, BY WAY OF APPEAL FROM THE DECISION OF THE DEPARTMENT EX-OFFICIO AS AFORESAID, FILE PETITION IN THE CIRCUIT COURT OF THE COUNTY, AT ANYTIME UNTIL EXPIRATION OF THIRTY DAYS FROM THE NOTICE OF THE FINAL DETERMINATION AS AFORESAID, AND THE SAME PROCEEDINGS SHALL BE HAD AS SET FORTH IN THIS SECTION BY TRIAL OF THE*