

sold, offered for sale, or held in possession in violation of this section, to be disposed of at the discretion of the Department. In Somerset County, the Department is expressly denied, and shall not have the right and authority to confiscate any boat, floating rig, mechanical or hydraulic dredge, truck or motor vehicle, or any part thereof, at any time or to hold or detain for evidence any boat, floating rig, hydraulic or mechanical dredge, truck or motor vehicle for any violation, or alleged violation of this section.

(o) *Soft Shell Clam Productivity.*—It shall be the duty of the Department to take such measures as in its judgment shall seem best calculated to increase the productivity of soft shell clams in the waters of Somerset County and the Chesapeake Bay adjacent thereto.

(p) *Authority to Open and Close Soft Shell Clam Beds.*—The Department is authorized to open and close any of the soft shell clam beds within Somerset County and to prohibit the taking or catching of soft shell clams therefrom, whenever in the judgment of the Department it shall seem necessary or desirable to protect or promote soft shell clams by any restorative measure which the Department may deem advisable.

(q) *Procedure for Opening and Closing Areas.*—(1) Before closing any soft shell clam area in Somerset County, the Department shall first give notice to licensed soft shell clam dredgers residing in Somerset 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 Department.

(2) It is unlawful to take or catch, or attempt to take or catch, soft shell clams, in any manner whatsoever, in or upon any area in Somerset County which has been closed by rule or regulation of the Department.

(3) The Department of Research and Education and/or the Department shall from time to time determine the actual condition of the shellfish population in the water or submerged bottoms of Somerset 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 Somerset County, or the Chesapeake Bay adjacent thereto, may also be determined by quantitative shellfish population surveys conducted by the Department of Research and Education and the Department, the results of which surveys shall be public information.

(5) Within sixty (60) days after the completion of any survey or resurvey, the Department 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 nonpayment of rental or other fees, forfeits his lease.