

the area in question, a notice of the effective date shall be published for one week prior thereto in the newspaper bearing the notice of the hearing. All seed oysters cultivated in such areas in accordance with provisions of this section shall be used only for the propagation of oysters on natural oyster bars as defined in this article and shall not be sold nor distributed to any lessee nor placed upon any leased bottom. 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 any time 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 circuit court, de novo and with the same right of appeal from the decision of the said circuit court. *The Department shall cause to be published a notice of reservation of any such area or areas in one newspaper of general circulation in the State and in one or more newspapers of general circulation in the county or counties in whose waters the area or areas are located, not less than fifteen days nor more than thirty days prior to the announced PROPOSED date of closing, AND SHALL SCHEDULE A PUBLIC HEARING ON THE PROPOSAL NOT LESS THAN FIFTEEN DAYS BEFORE THE PROPOSED DATE OF CLOSING; SUCH HEARING SHALL BE HELD AT THE COUNTY SEAT OF THE COUNTY IN WHICH THE AFFECTED WATERS ARE LOCATED; IF SUCH WATERS ARE LOCATED IN MORE THAN ONE COUNTY THEN THE HEARING SHALL BE HELD IN THAT COUNTY SEAT OF THE AFFECTED COUNTIES WHICH IS CLOSEST TO THE AFFECTED WATERS; IF THE AREA AFFECTED IS TOTALLY WITHIN STATE WATERS, THEN SUCH HEARING SHALL BE HELD IN ANNAPOLIS.*

**[(h)]** *(e)* The Department of **[Tidewater Fisheries]** *Chesapeake Bay Affairs* is authorized to transplant oysters, shells or other cultch from one closed area to another, to transplant or otherwise utilize within the State such seed oysters as may be produced upon shells or other cultch planted by said Department and to transplant or utilize any other seed oysters which may accumulate on areas where such seed oysters are not likely to develop into desirable marketable oysters.

**[(i)]** *(f)* It shall be unlawful to take, scrape or tong for oysters upon any area which has been closed **[by any rule or regulation of the Department of Tidewater Fisheries or upon any area]** or reserved for propagation of oyster seed under **[subsection (g-1)]** *the provisions* of this section. This subsection shall not be construed or applied as prohibiting such taking or catching of oysters by or on behalf of the Department of **[Tidewater Fisheries]** *Chesapeake Bay Affairs*.

**[(j)]** *(g)* The Department of **[Tidewater Fisheries]** *Chesapeake Bay Affairs* or its successors shall expend for the planting of oyster shells, other cultch or seed oysters on the natural oyster bars or seed areas or for the purchase of necessary equipment to plant said materials and for no other purpose (1) all funds appropriated in the budget for oyster propagation, and (2) all monies required by Section 716 of this subtitle to be credited by the Comptroller to the Oyster Fund. Any unexpended balance in the Oyster Fund at the end of any fiscal year shall remain in the fund and be spent for the planting of shells or seed oysters during subsequent years