

(3) WITHIN 50 FEET OF ANY BULKHEAD, STRUCTURE, WHARF, PIER, OR PILING ERECTED IN, OVER, OR UNDER THE WATERS OF THE STATE UNDER A PERMIT GRANTED BY THE STATE OR FEDERAL GOVERNMENTS;

(4) WITHIN 300 FEET OF ANY PRIVATE BATHING BEACH RUNNING NOT MORE THAN 300 FEET ALONG THE SHORE WHICH IS MARKED AS REQUIRED BY RULE AND REGULATION OR WITHIN 1,000 FEET OF ANY PUBLIC BATHING BEACH FROM MAY 1 TO SEPTEMBER 30. HOWEVER, THE OWNER OR LESSEE OF A SINGLE PROPERTY MAY NOT CLAIM PROTECTION FOR MORE THAN ONE PRIVATE BATHING BEACH CONTIGUOUS TO THIS PROPERTY;

(5) WITHIN 50 FEET OF THE MEAN HIGH WATERMARK OF ANY SHORELINE IN CALVERT, QUEEN ANNE'S, TALBOT, OR SOMERSET COUNTIES OR WITHIN 300 FEET IN ANNE ARUNDEL, DORCHESTER, KENT, OR ST. MARY'S COUNTIES;

(6) THE WATERS OF THE CHOPTANK RIVER AND ITS TRIBUTARIES EXCEPT AS PROVIDED IN SECTIONS 4-1038(A) AND 4-1039; BRANNOCK BAY; LITTLE CHOPTANK RIVER; TAR BAY; HONGA RIVER; ALL WATERS EAST OF A LINE RUNNING FROM THE MOST SOUTHERLY POINT OF HOLLAND ISLAND TO HOLLAND ISLAND BAR LIGHT; ALL WATERS EAST OF A LINE RUNNING FROM RICHLAND POINT TO OKAHANIKAN POINT; ANY AREAS RESERVED BY THE DEPARTMENT FOR PRODUCTION OF SEED OYSTERS.

REVISOR'S NOTE: This section presently appears as Article 66C, section 713(c) of the Code. The only changes made are in style.

4-1038. RESTRICTION ON CATCHING SOFT-SHELL CLAMS BY HYDRAULIC DREDGE IN CERTAIN COUNTIES; CHARLES AND WICOMICO COUNTIES.

(A) HYDRAULIC CLAM DREDGING IN CERTAIN COUNTIES. - EXCEPT AS PROVIDED IN §4-1039, A PERSON MAY NOT CATCH SOFT-SHELL CLAMS BY HYDRAULIC CLAM DREDGE IN THE FOLLOWING WATERS:

(1) ANNE ARUNDEL COUNTY. -

(I) WITHIN 500 FEET OF ANY SEA NETTLE NET;

(II) WITHIN 800 FEET OF ANY PUBLIC BATHING BEACH BETWEEN SAUNDERS AND DUTCHMAN'S POINT, IF THE BEACH IS MARKED AS REQUIRED BY RULE OR REGULATION AND THE PUBLIC USES THE BEACH FOR BATHING;