

(i) Application for the new, renewed, or transferred lease was made before December 31, 1984; and

(ii) The proposed site of the leased oyster bottom:

1. Has not become a natural oyster bar or clam bar; and

2. Is otherwise suitable for ~~oyster~~ SHELLFISH cultivation.

(2) Any lease issued or renewed under this subsection is considered legitimate for all purposes.

(f) (1) If a person applies to the Department for a lease of submerged land for oyster cultivation, the Department shall determine if the submerged land is a productive natural clam bar.

(2) Notwithstanding any other provision of this subtitle, if the Department determines that the submerged land is a productive natural clam bar, the Department may not lease the submerged land for purposes of oyster cultivation.

(3) For purposes of this subtitle, the Department may adopt regulations establishing criteria to denote natural clam bars as having significant commercial value.

(4) Before the Department proposes any regulation under paragraph (3) of this section, the Department shall hold a public hearing on the proposed regulation.

[4-1109.] 4-11A-06.

(a) Any person wishing to lease submerged lands of the State shall apply to the Department for a blank application form. The applicant shall indicate on the application his place of residence, the estimated area of the submerged land for which a lease is sought, and a detailed description of the location of the land. The applicant prior to filing the application with the Department shall mark the area applied for with at least one stake bearing his name.

(b) 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. 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