

included in the lines of any patent and all rights of the riparian proprietor shall extend only to the middle of the creek, cove, or inlet. In the waters of St. Mary's County, the riparian grounds of any creek, cove, or inlet meeting the qualifications enumerated above shall be considered and treated as leased grounds for all of the purposes of [§ 4-1116] § 4-11A-13 of this article. However, any dredging license issued under [§ 4-1116] § 4-11A-13 shall be issued only to the riparian owner for the purpose of dredging shellfish on his riparian grounds. In the waters of Dorchester County, shellfish may be dredged on riparian grounds by the riparian owner by any means in any creek, cove, or inlet.

(b) The owner of any wharf or other structure constructed on or about the water and approved by the corps of engineers, shall have exclusive use, for the purpose of growing and harvesting shellfish, of the area:

(1) Below the owner's wharf or structure; and

(2) In Talbot and Howard counties only, within 5 feet of the owner's wharf or structure, oysters grown in trays, baskets, or containers that are attached to a private pier or wharf by lines or ropes that are the property of the owner of the pier or wharf.

[4-1120.] 4-11A-17.

The Department shall establish 3 separate areas of 10 acres of submerged land each for oyster propagation research in the vicinity of:

(1) Horn Point in Cambridge in Dorchester County;

(2) Deale Island in Somerset County; and

(3) The waters of St. Mary's County, other than in the Potomac River.

4-11A-18.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE DEPARTMENT MAY ADOPT RULES-AND REGULATIONS THAT ALLOW TAKING, POSSESSION, TRANSPORT, OR SALE OF OYSTERS, FROM LEASED OYSTER BOTTOMS ONLY FOR THE PURPOSE OF REPLANTING ON LEASED BOTTOMS, THAT ARE LESS THAN THE MINIMUM SIZE LIMIT IN §§ 4-1015 AND 4-1015.1 OF THIS TITLE. THIS SECTION MAY NOT BE CONSTRUED TO PERMIT THE SALE OF OYSTERS FOR HUMAN CONSUMPTION THAT ARE LESS THAN THE MINIMUM SIZE LIMIT SPECIFIED IN §§ 4-1015 AND 4-1015.1 OF THIS TITLE.

[4-621.] 4-11A-19.