

A resurvey may not be effective until 30 days have lapsed after the filing date. During this 30 day period, public notice of the filing of the amended chart shall be given once a week for three successive weeks in a newspaper of general circulation in every county.

(c) Before the Department reclassifies any submerged area of the State from natural oyster bar, excluded from leasing, to barren bottom permitted to be leased under the provisions of this subtitle, it shall advertise the time, place, and purpose for reexamination, once a week for three successive weeks, in a newspaper of general circulation in every county. The public may be present at the reexamination. If any person present then offers to make further tests in the presence of employees designated by the Department, the employees shall witness and make note of the findings. {If upon reexamination the Department proposes to reclassify the area from natural bar to barren bottom, it first shall hold a public hearing, and the time, place, and purpose shall be advertised pursuant to the provisions of this subsection. [Any person may appeal the decision of the Department by filing a petition in the circuit court of the county at any time until 30 days from the date of filing have expired. Proceedings on appeal shall be pursuant to those procedures set forth in § 4-11A-06(c) of this title with the same rights of appeal from the decision of the Department. A lease of the reclassified area, in whole or part, may not be granted until the amended chart has been filed in the circuit court of the county and until 30 days shall have expired from date of filing.] THE DEPARTMENT SHALL SHOW ANY RECLASSIFICATION IT DETERMINES TO MAKE ON THE AMENDED OR NEW CHART WHICH THE DEPARTMENT SHALL FILE IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(D) (1) WITHIN 30 DAYS OF THE FILING OF THE AMENDED OR NEW CHART UNDER SUBSECTION (B) OF THIS SECTION, ANY PERSON ADVERSELY AFFECTED BY THE DECISION OF THE DEPARTMENT TO RECLASSIFY ANY SUBMERGED AREA OF THE STATE FROM NATURAL OYSTER BAR TO BARREN BOTTOM MAY FILE A PETITION WITH THE DEPARTMENT PROTESTING THE RECLASSIFICATION.

(2) PROCEEDINGS ON APPEAL SHALL BE PURSUANT TO THOSE PROCEDURES SET FORTH IN § 4-11A-06(C) OF THIS TITLE WITH THE SAME RIGHTS OF APPEAL FROM THE DECISION OF THE DEPARTMENT.

(3) A LEASE OF THE RECLASSIFIED AREA, IN WHOLE OR PART, MAY NOT BE GRANTED UNTIL THE NEW OR AMENDED CHART HAS BEEN FILED PURSUANT TO SUBSECTION (B) OF THIS SECTION AND UNTIL 30 DAYS HAVE EXPIRED FROM DATE OF FILING.

[(d)](E) Notwithstanding any provisions of this section, a lease may not be invalidated in any way by facts determined in any resurvey unless the lessee forfeits his lease voluntarily or fails to pay rental or other fees.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1994.

Approved May 2, 1994.