

~~(b) (1) The Department may not lease any of the submerged areas of the State within the jurisdictional boundaries of Dorchester, Kent, Queen Anne's, Somerset and Talbot counties for oyster RESTORATION OR cultivation. The Department also may not lease any of the submerged areas of the State in the tidewater tributaries of Charles County, except the Patuxent River, for oyster RESTORATION OR cultivation. This subsection does not affect any existing lease in Somerset County made prior to and effective on June 1, 1952; any lease in Dorchester County made prior to and effective on June 1, 1957; in Charles County made prior to and effective on July 1, 1968 and in Kent, Queen Anne's and Talbot counties made prior to July 1, 1973. This subsection also does not prevent any lessee from renewing, assigning, devising by will or prohibit the descendants of any lessee, his heirs, or next of kin, from inheriting rights by the operation of the laws of descent and distribution. If an existing lease does not provide for renewal, the Department may grant renewal when the lease terminates unless good cause to the contrary is shown. However, a person may not lease more acreage than now authorized by law regardless of the manner in which the lease or the rights under the lease are obtained.~~

~~(2) THE DEPARTMENT MAY LEASE A SUBMERGED AREA OF THE STATE FOR OYSTER RESTORATION ONLY:~~

~~(I) IN THE CHESAPEAKE BAY AND ITS TRIBUTARIES, AND~~

~~(II) IF, ON JUNE 1, 2007, THE AREA WAS OR HAD PREVIOUSLY BEEN CONSIDERED A LEASED OYSTER BOTTOM.~~

~~(f) (1) If a person applies to the Department for a lease of submerged land for oyster RESTORATION OR 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 RESTORATION OR cultivation.~~

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~~(a) Except as provided in subsection (c)(2) of this section the term of leases for submerged lands shall be 20 years at an annual rent the Department deems proper and commensurate with the value of the leased land.~~

~~(b) If the Department ascertains that any leased area is affected by environmental factors which destroy or seriously impede the culture and growth of oysters and threaten the potential of the area for continued oyster production, it may reduce or abate the annual rent by an amount and for a period the Department deems equitable and reasonable in view of the degree of damage.~~