

(e) (1) In this subsection, "~~utilize~~" [~~includes~~] **INCLUDES:**

~~(I) FOR CULTIVATING OYSTERS OR CLAMS, the planting or harvesting of not less than 25 bushels of oysters or 25 bags of clams per lease during 1 year of each 3 year period; AND~~

~~(II) FOR RESTORING OYSTERS, THE PLANTING OF NOT LESS THAN 250,000 CULTCHED OYSTERS ON SUITABLE GROUND OR SUBSTRATE IN AN AREA THAT IS ECOLOGICALLY SUITABLE FOR OYSTER GROWTH.~~

~~(2) If any part of the rent required by a lease remains unpaid for more than 60 days after it becomes due, the Department may declare the lease null and void in accordance with subsection (c) of this section and the land shall revert to the State and may be leased again. The Department may cancel any lease, either in whole or in part, and may diminish or cancel the annual rental to an extent commensurate with the area remaining under lease on the written request of the lessee.~~

~~(3) (I) The Department shall adopt regulations and condition each lease to require a leaseholder to actively utilize the leased area [within] WITHIN:~~

~~1. FOR OYSTER OR CLAM CULTIVATION, any 3 year period commencing July 1, 1990, or the effective date of a lease after July 1, 1990; OR~~

~~2. FOR OYSTER RESTORATION, 1 YEAR AFTER THE EFFECTIVE DATE OF THE LEASE.~~

~~(II) The Department may allow a longer period than 3 years [upon] FOR THE CULTIVATION OR 1 YEAR FOR THE RESTORATION OF THE LEASED AREA ON a showing that natural conditions, including unavailability of oyster shell or seed, prevented utilization.~~

~~(4) If a leaseholder fails to actively utilize leased bottom in accordance with regulations promulgated under [paragraph (2)] PARAGRAPH (3) of this subsection, the leasehold shall revert to the State and may be leased again. A leaseholder shall maintain records documenting activities which show that the lease is being used for shellfish production as required by the Department.~~

~~(d) A lease may not be invalidated in any way by facts determined in any resurvey under § 4-1102 of this title unless the lessee forfeits [his] THE LESSEE'S lease voluntarily, fails to pay rental or other fees, or fails to actively utilize the lease areas [within a period of 3 years] UNDER SUBSECTION (C)(3) OF THIS SECTION.~~