

~~(3) (1) 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.~~

~~(H) 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 recurvey 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.~~

~~(e) (1) The provisions of Title 8 of the Real Property Article do not apply to leases under this subtitle.~~

~~(2) [Upon] ON a determination under subsection (e) of this section, the Department shall notify a lessee of the lessee's opportunity to contest the Department's action in a hearing under Title 10, Subtitle 2 of the State Government Article.~~

~~4-11A-11.~~

~~(a) The lessee of any leased oyster bottom shall have exclusive ownership of and title to all the oysters planted by [him] THE LESSEE or existing on the leasehold. Lessees shall have the rights to use their lease subject to the following conditions:~~

~~(1) Land leased under this subtitle shall be used only for the purpose of planting and cultivating oysters, OR RESTORING OYSTERS;~~

~~(2) Persons may fish on all leased oyster bottoms, if they do not remove or destroy oysters on the areas; and~~