

substantially outweighs the usefulness such bar would have commercially.] *measures will increase the productivity or utility of such areas; provided, however, that the total area of natural oyster bars of this State, or of any county, closed or remaining closed under the provisions of this subsection shall never exceed at any time six per cent of the area classified as natural oyster bars of this State, or of any county thereof.* Upon an area so closed the Department may plant oysters, shells or other cultch, or it may take any other restorative measures in connection therewith, which it may deem advisable. *The Department shall cause to be published a notice of closing of* INTENT TO CLOSE any such area or areas in one newspaper of general circulation in the State and in one or more newspapers of general circulation in the county or counties in whose waters the area or areas are located, *not less than fifteen days nor more than thirty days prior to the announced* PROPOSED date of closing, AND SHALL SCHEDULE A PUBLIC HEARING ON THE PROPOSAL NOT LESS THAN FIFTEEN DAYS BEFORE THE PROPOSED DATE OF CLOSING; SUCH HEARING SHALL BE HELD AT THE COUNTY SEAT OF THE COUNTY IN WHICH THE AFFECTED WATERS ARE LOCATED; IF SUCH WATERS ARE LOCATED IN MORE THAN ONE COUNTY THEN THE HEARING SHALL BE HELD IN THAT COUNTY SEAT OF THE AFFECTED COUNTIES WHICH IS CLOSEST TO THE AFFECTED WATERS; IF THE AREA AFFECTED IS TOTALLY WITHIN STATE WATERS, THEN SUCH HEARING SHALL BE HELD IN ANNAPOLIS.

[(c) Before closing any area the Department shall first hold a public hearing in Annapolis if the area to be closed is located in the Chesapeake Bay or if the area to be closed is located in county waters in the county seat of the particular county in whose waters the area is located. The time, place and purpose of such hearing as well as the location of the area intended to be closed shall be advertised once a week during the two weeks immediately preceding the date of the hearing in a newspaper of general circulation in the county, if the area is located within the waters of any county, or in a newspaper of general circulation in the State, if the area is located in the Chesapeake Bay.]

[(d) The members of the public at such a hearing shall be permitted to express their views with respect to the necessity of closing the area and the extent of its commercial utility. The hearing shall be held before, and the final determination made by, a committee of ten persons consisting of the five members of the Tidewater Fisheries Commission, five members of the local committee as set forth in Section 707 (j) hereof, when the area under consideration is located in county waters, which said local committee shall become ex officio members of the Tidewater Fisheries Commission pro tempore, for the purpose of such decision and shall have all the rights, privileges and authority of the Tidewater Fisheries Commission in relation to the matters as above set forth in this section relating to the area under consideration, including the right to vote one vote for each of the members of the local committee. Each of the five members of the Tidewater Fisheries Commission shall have one vote. A majority of the ten votes cast as aforesaid shall be necessary to carry any measure under consideration as herein set forth. The Department shall keep minutes of the hearings and shall file in its office as a public record a statement setting forth the decision and the reasons