

~~(1) IS ON THE SITE BEING USED FOR THE CONSTRUCTION ACTIVITY; OR~~

~~(2) IF SUFFICIENT AREA IS NOT AVAILABLE AT THE CONSTRUCTION SITE, IS IN THE WATERSHED IN WHICH THE CONSTRUCTION ACTIVITY IS LOCATED.~~

(C) (1) IF THE TOTAL AREA OF FOREST CUT OR CLEARED IN CONNECTION WITH A CONSTRUCTION ACTIVITY BY A UNIT OF STATE GOVERNMENT EQUALS 1 ACRE OR MORE, THE CONSTRUCTING AGENCY SHALL LOCATE AN EQUIVALENT AREA OF STATE- OWNED LAND TO BE REFORESTED BY THE DEPARTMENT AT A RATE NOT TO EXCEED \$200 AN ACRE.

(2) THE REFORESTATION PROJECTS SHALL BE ESTABLISHED ONLY ON STATE-OWNED LAND WHERE THE AGENCY THAT OWNS THE LAND AGREES TO THAT USE.

(3) THE CONSTRUCTING AGENCY SHALL REIMBURSE THE DEPARTMENT FOR THE REFORESTATION ACTIVITIES AT AN APPROPRIATE RATE NOT TO EXCEED \$200 PER ACRE.

(4) ANY LAND FOR A REFORESTATION PROJECT SHALL BE:

(I) ON THE SITE OR IN THE PROJECT RIGHT-OF-WAY BEING USED FOR THE CONSTRUCTION ACTIVITY; OR

(II) IF SUFFICIENT AREA IS NOT AVAILABLE AT THE SITE OR WITHIN THE PROJECT RIGHT-OF-WAY, ON STATE-OWNED LAND IN THE WATERSHED IN WHICH THE CONSTRUCTION ACTIVITY IS LOCATED IF SUFFICIENT AREA IS NOT AVAILABLE AT THE SITE OR WITHIN THE PROJECT RIGHT-OF-WAY.

(D) (1) IF A UNIT OF STATE GOVERNMENT THE CONSTRUCTING AGENCY IS UNABLE TO LOCATE A SUFFICIENT AMOUNT OF STATE LAND TO COMPLY WITH THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION, THE UNIT OF STATE GOVERNMENT THE CONSTRUCTING AGENCY SHALL CONTRIBUTE MONEY, AT THE RATE OF \$200 FOR EACH ACRE CLEARED BUT NOT REPLACED, TO A SPECIAL FUND TO BE MAINTAINED IN THE DEPARTMENT AND TO BE KNOWN AS THE REFORESTATION FUND.

(2) THERE IS A REFORESTATION FUND IN THE DEPARTMENT.

(E) (1) MONEY DEPOSITED IN THE REFORESTATION FUND:

(I) SHALL REMAIN IN THE FUND UNTIL APPROPRIATED AND SPENT; AND

(II) MAY NOT REVERT TO THE GENERAL FUND.

(2) THE DEPARTMENT SHALL USE THE REFORESTATION FUND SOLELY TO PLANT TREES ON STATE LANDS LOCATED IN THE WATERSHEDS IN WHICH CONSTRUCTION PROJECTS GIVING RISE TO FUND CONTRIBUTIONS ARE LOCATED.