

(1) May cut or clear only the minimum number of trees and other woody plants that are necessary and consistent with sound design practices; and

(2) Shall make every reasonable effort to minimize the cutting or clearing of trees and other woody plants.

(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 PUBLIC 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] ON ANY PUBLIC LAND WITHIN A POLITICAL SUBDIVISION COUNTY IN WHICH CONSTRUCTION ACTIVITY BY A UNIT OF STATE GOVERNMENT HAS CAUSED A LOSS OF TREES WHERE THE PUBLIC ENTITY THAT OWNS THE LAND AGREES TO THAT USE OF THE LAND.

(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) On State-owned PUBLIC land in the watershed COUNTY 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 the constructing agency is unable to locate a sufficient amount of State PUBLIC land to comply with the requirements of subsection (c) of this section, 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 PUBLIC lands located in the