

(2) The reforestation projects shall be established only on State-owned OR OTHER PUBLICLY 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] \$500 per acre.

(4) Any land for a reforestation project shall be:

(i) [On] IF POSSIBLE, ON the site or in the project right-of-way being used for the construction activity; or

(ii) On State-owned OR OTHER PUBLICLY OWNED land in the county WATERSHED [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 OR OTHER PUBLICLY OWNED land to comply with the requirements of subsection (c) of this section, the constructing agency shall contribute money, at the rate of [\$200] \$500 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 OR OTHER PUBLICLY OWNED lands located in the county WATERSHED [watersheds] COUNTY in which construction projects giving rise to Fund contributions are located.

(f) (1) Any unit of State government ~~OR--ANY--OTHER--PERSON USING--STATE--FUNDING~~ that engages in construction activities involving land clearing on forest lands shall consult with the Department to assure compliance with this section:

(1) (I) Before cutting in or clearing a forest; and

(2) (II) Before locating a reforestation area in accordance with this section.