

Article – Natural Resources

5-103.

(a) (5) "FOREST MITIGATION BANKING" MEANS THE INTENTIONAL RESTORATION OR CREATION OF FORESTS UNDERTAKEN EXPRESSLY FOR THE PURPOSE OF PROVIDING CREDITS FOR REFORESTATION REQUIREMENTS WITH ENHANCED ENVIRONMENTAL BENEFITS FROM FUTURE ACTIVITIES.

(c) (2) (i) Except as provided in subparagraph (ii) OR (III) of this paragraph, the reforestation projects shall be established on any public land within the county and watershed in which construction activity by a unit of State or local government has caused a loss of trees where the public entity that owns the land agrees to that use of the land.

(ii) If the reforestation project cannot be reasonably accomplished in the county and watershed in which the construction activity is located, then the reforestation shall occur in the county or watershed in the State in which the construction activity is located, OR SHALL BE ACCOMPLISHED BY USE OF CREDITS IN A FOREST MITIGATION BANK IN THE COUNTY AND WATERSHED IN WHICH THE CONSTRUCTION ACTIVITY IS LOCATED.

(III) IF THE REFORESTATION PROJECT CANNOT BE REASONABLY ACCOMPLISHED IN THE COUNTY OR WATERSHED IN WHICH THE CONSTRUCTION ACTIVITY IS LOCATED, OR BY USE OF CREDITS IN THE COUNTY AND WATERSHED IN WHICH THE CONSTRUCTION ACTIVITY IS LOCATED, THEN REFORESTATION MAY OCCUR BY THE USE OF CREDITS IN A FOREST MITIGATION BANK IN THE COUNTY OR WATERSHED IN WHICH THE CONSTRUCTION ACTIVITY IS LOCATED.

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

(i) If possible, on the site or in the project right-of-way being used for the construction activity;

(ii) If sufficient area is not available at the site or within the project right-of-way, on State-owned or other publicly owned land in the county and watershed in which the construction activity is located; [or]

(iii) If the reforestation project cannot be reasonably accomplished in the county and watershed in which the construction activity is located, on State-owned or other publicly owned land in the county or watershed in the State in which the construction activity is located; OR

(IV) IF THE REFORESTATION PROJECT CANNOT BE REASONABLY ACCOMPLISHED ON STATE-OWNED OR OTHER PUBLICLY OWNED LAND IN THE COUNTY OR WATERSHED IN THE STATE IN WHICH THE CONSTRUCTION ACTIVITY IS LOCATED, ACCOMPLISHED THROUGH USE OF FOREST MITIGATION BANK CREDITS IN THE WATERSHED IN WHICH THE CONSTRUCTION ACTIVITY IS LOCATED.

(d) (1) If the constructing agency is unable to locate a sufficient amount of State or other publicly owned land OR AVAILABLE FOREST MITIGATION BANK CREDITS to comply with the requirements of subsection (c) of this section, the constructing agency