

shall contribute money, at the rate of 10 cents per square foot of the area of required planting, to a special fund to be maintained in the Department and to be known as the Reforestation Fund.

(e) (2) (i) 1. Except as provided in item 2 of this subparagraph, the Department shall use the Reforestation Fund solely to plant trees on State or other publicly owned lands located in the county and watershed in which construction projects giving rise to Fund contributions are located.

2. If reforestation cannot be reasonably accomplished in the county and watershed in which the construction activity is located, then the Department may use the Reforestation Fund to plant trees on State or other publicly owned lands located in the county or in the watershed in the State in which the construction activity is located, OR TO PURCHASE CREDITS IN, ESTABLISH, OR MAINTAIN A FOREST MITIGATION BANK IN THE COUNTY OR WATERSHED IN WHICH THE CONSTRUCTION ACTIVITY IS LOCATED IN ACCORDANCE WITH REGULATIONS OF THE DEPARTMENT. THE REFORESTATION FUND MAY NOT BE USED TO FINANCE ADMINISTRATIVE ACTIVITIES ASSOCIATED WITH A MITIGATION BANK AND ANY CREDITS CREATED BY THE REFORESTATION FUND MAY NOT BE SOLD TO COMPENSATE FOR ADDITIONAL FOREST IMPACTS.

(I) FOREST MITIGATION BANKING UNDER THIS SECTION SHALL BE CONDUCTED IN ACCORDANCE WITH STANDARDS ADOPTED UNDER SUBTITLE 16 OF THIS TITLE.

5-1601.

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

(T) "LINEAR PROJECT" MEANS A PROJECT WHOSE CONFIGURATION IS ELONGATED WITH NEARLY PARALLEL SIDES AND USED TO TRANSPORT A UTILITY PRODUCT OR PUBLIC SERVICE NOT OTHERWISE CONTAINED IN AN APPLICATION FOR SUBDIVISION, SUCH AS ELECTRICITY, GAS, WATER, SEWER, COMMUNICATIONS, TRAINS, AND VEHICLES. LINEAR PROJECTS MAY TRAVERSE FEE SIMPLE PROPERTIES THROUGH DEFINED BOUNDARIES OR THROUGH EASEMENT RIGHTS.

(z) "Net tract area" means:

(1) Except in agriculture and resource areas OR LINEAR PROJECT AREAS, the total area of a site, including both forested and nonforested areas, to the nearest one-tenth acre[, reduced by the area found to be within the boundaries of the 100-year floodplain] REDUCED BY THAT AREA WHERE FOREST CLEARING IS RESTRICTED BY ANOTHER LOCAL ORDINANCE OR PROGRAM; [and]

(2) In agriculture and resource areas, the portion of the total tract for which land use will be changed or will no longer be used for primarily agricultural activities[,]