

source, together with any fine or forfeiture collected under § 4-1202 of this title, shall be credited to the Fisheries Research and Development Fund.

(c) Subject to the limitations described in §§ 4-701(i), 4-1020, 4-1028 and 4-1035, the Fund shall be used for [replenishing]:

(1) REPLENISHING fisheries resources[, ] AND related research[, and to match];

(2) MATCHING federal funds available for research and development of fisheries resources; AND

(3) ADMINISTRATIVE COSTS CALCULATED IN ACCORDANCE WITH § 1-103(B)(2) OF THIS ARTICLE.

5-103.

(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 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.

(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) (i) 1. Except as provided in item 2 of this subparagraph AND SUBPARAGRAPH (III) OF THIS PARAGRAPH, 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.

(ii) 1. The Department shall accomplish the reforestation for which money is deposited in the Reforestation Fund within 1 year or 2 growing seasons after project completion, as appropriate, after receipt of the money.