

1. 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; [or]

2. If reforestation cannot be reasonably accomplished in the county and watershed in which the construction activity is located:

A. 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

B. 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 Department regulations; OR

3. REPLACE TREES, EXCEPT NURSERY STOCK THAT HAS NOT BEEN REPLANTED, THAT WERE DESTROYED BY THE APPLICATION OF A TREATMENT APPLIED TO DESTROY PLANT PESTS UNDER A QUARANTINE IMPOSED BY THE SECRETARY OF AGRICULTURE, WHETHER OR NOT THE QUARANTINE IS IN EFFECT IN THE COUNTY OR WATERSHED WHERE THE CONSTRUCTION ACTIVITY OCCURRED.

(ii) 1. Except as provided in subsubparagraph 2 of this subparagraph, moneys in the Fund may be used for administrative costs calculated in accordance with § 1-103(b)(2) of this article.

2. The Fund may not be used to finance administrative activities associated with a mitigation bank.

3. Any credits created by the Fund may not be sold to compensate for additional forest impacts.

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

2. Money deposited in the Fund under subsection (d) of this section shall remain in the Fund for a period of 1 year or two growing seasons, and at the end of that time period, any portion that is not used to meet the reforestation requirements shall be returned to the constructing agency.

(8) (i) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.