

(F) MONEY DEPOSITED IN THE FUND UNDER SUBSECTION (C) OF THIS SECTION MAY BE USED BY THE DEPARTMENT FOR THE PURPOSE OF IMPLEMENTING THIS SUBTITLE.

(G) IN LIEU OF A STATE FOREST CONSERVATION FUND, ANY LOCAL AUTHORITY WITH AN APPROVED FOREST CONSERVATION PROGRAM MAY ESTABLISH A FOREST CONSERVATION FUND, TO BE ADMINISTERED BY THE LOCAL AUTHORITY, TO ALLOW A PAYMENT BY ANY PERSON WHO HAS DEMONSTRATED TO THE SATISFACTION OF THE LOCAL AUTHORITY THAT THE REQUIREMENTS FOR REFORESTATION AND AFFORESTATION ON-SITE AND OFF-SITE CANNOT BE REASONABLY ACCOMPLISHED. THE RATE SHALL BE 45 10 CENTS PER SQUARE FOOT OF THE AREA REQUIRED TO BE REPLANTED.

(H) MONEY DEPOSITED IN THE LOCAL FOREST CONSERVATION FUND UNDER SUBSECTION (G) OF THIS SECTION SHALL REMAIN IN THE FUND FOR A PERIOD OF 1 YEAR OR 2 GROWING SEASONS. AT THE END OF THAT TIME PERIOD, ANY PORTION THAT HAS NOT BEEN USED TO MEET THE AFFORESTATION OR REFORESTATION REQUIREMENTS SHALL BE RETURNED TO THE PERSON WHO PROVIDED THE MONEY.

(I) (1) MONEY DEPOSITED IN THE LOCAL FOREST CONSERVATION FUND UNDER SUBSECTION (G) OF THIS SECTION MAY ONLY BE SPENT ON REFORESTATION AND AFFORESTATION INCLUDING THE COSTS DIRECTLY RELATED TO SITE IDENTIFICATION, ACQUISITION, AND PREPARATION, AND MAY NOT REVERT TO ANY OTHER LOCAL GENERAL FUND.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE REFORESTATION OR AFFORESTATION REQUIREMENT UNDER THIS SUBSECTION SHALL OCCUR IN THE COUNTY AND WATERSHED IN WHICH THE PROJECT IS LOCATED.

(II) IF THE REFORESTATION OR AFFORESTATION CANNOT BE REASONABLY ACCOMPLISHED IN THE COUNTY AND WATERSHED IN WHICH THE PROJECT IS LOCATED, THEN THE REFORESTATION OR AFFORESTATION SHALL OCCUR IN THE COUNTY OR WATERSHED IN THE STATE IN WHICH THE PROJECT IS LOCATED.

(J) MONEY COLLECTED BY THE LOCAL AUTHORITY UNDER § 5-1608(C) OF THIS SUBTITLE FOR NONCOMPLIANCE WITH THIS SUBTITLE OR REGULATIONS OR ORDINANCES ADOPTED UNDER THIS SUBTITLE FOR NONCOMPLIANCE WITH A FOREST CONSERVATION PLAN OR THE ASSOCIATED 2-YEAR MANAGEMENT AGREEMENT, SHALL BE DEPOSITED IN THE LOCAL FUND. THE RATE SHALL BE 45 30 CENTS PER SQUARE FOOT OF THE AREA ~~REQUIRED TO BE REPLANTED~~ FOUND TO BE IN NONCOMPLIANCE WITH THE REQUIRED FOREST CONSERVATION.