

(4) (5) "Watershed" means all lands lying within an area described as a subbasin in water quality regulations adopted by the Department of [Health and Mental Hygiene] THE ENVIRONMENT.

(b) To accomplish a construction activity involving land clearing, a unit of State OR LOCAL government or any other person using State funding for the construction project:

(1) May cut or clear only the minimum number of trees and other woody plants that are necessary and consistent with sound design practices; and

(2) Shall make every reasonable effort to minimize the cutting or clearing of trees and other woody plants.

(c) (1) If the total area of forest cut or cleared in connection with a construction activity by a unit of State OR LOCAL government or any other person using State funding for the construction project equals 1 acre or more, the constructing agency shall locate an equivalent area of State-owned or other publicly owned land to be reforested by the Department at a rate [not to exceed \$500 an acre] OF ~~15~~ 10 CENTS PER SQUARE FOOT OF THE AREA OF REQUIRED PLANTING.

(2) (I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE reforestation projects shall be established on any public land within [a] 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.

(3) The constructing agency shall reimburse the Department for the reforestation activities at an appropriate rate [not to exceed \$500 per acre] OF ~~15~~ 10 CENTS PER SQUARE FOOT OF THE AREA OF REQUIRED PLANTING.

(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; [or]

(ii) [On] 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 ~~if sufficient area is not available at the site or within the project right of way;~~ OR