

(III) IF THE REFORESTATION PROJECT CANNOT BE REASONABLY ACCOMPLISHED IN THE COUNTY AND WATERSHED IN WHICH THE CONSTRUCTION ACTIVITY IS LOCATED, ON STATE-OWNED OR OTHER PUBLICLY OWNED LAND IN THE COUNTY OR WATERSHED IN THE STATE IN WHICH THE CONSTRUCTION ACTIVITY IS LOCATED.

(d) (1) If the constructing agency is unable to locate a sufficient amount of State or other publicly owned land to comply with the requirements of subsection (c) of this section, the constructing agency shall contribute money, at the rate of [\$500 for each acre cleared but not replaced] 45 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. [The] 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 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.

(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.

2. MONEY DEPOSITED IN THE REFORESTATION FUND UNDER SUBSECTION (D) OF THIS SECTION SHALL REMAIN IN THE FUND FOR A PERIOD OF 1 YEAR OR 2 GROWING SEASONS, AND AT THE END OF THAT TIME PERIOD, ANY PORTION THAT IS NOT REQUIRED USED TO MEET THE REFORESTATION REQUIREMENTS SHALL BE RETURNED TO THE CONSTRUCTING AGENCY.

(f) (1) Any unit of State OR LOCAL government that engages in construction activities involving land clearing on forest lands shall consult with the Department to assure compliance with this section:

(i) Before cutting in or clearing a forest; and