

person who provided the money to be used for documented tree planting in the same county or watershed beyond that required by this subtitle or other applicable statutes.

[(e)] (F) (1) (I) Money deposited in the Fund under subsection [(b)] (C) of this section may only be spent on reforestation and afforestation, including site identification, acquisition, and preparation, and may not revert to the General Fund of the State.

(II) ANY INVESTMENT EARNINGS OF THE FUND ~~MAY NOT BE TRANSFERRED OR REVERT SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND.~~

(2) (i) Except as provided in subparagraph (ii) or (iii) 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.

(iii) If the reforestation or afforestation cannot be reasonably accomplished in the county or watershed in which the project is located, then the reforestation or afforestation shall be accomplished through purchase of credits in, establishment, or maintenance of a forest mitigation bank 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.

[(f)] (G) Money deposited in the Fund under subsection [(c)] (D) of this section may be used by the Department for the purpose of implementing this subtitle.

[(g)] (H) 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 10 cents per square foot of the area required to be replanted.

[(h)] (I) Money deposited in the local forest conservation fund under subsection [(g)] (H) of this section shall remain in the fund for a period of 2 years or 3 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 to be used for documented tree planting in the same county or watershed beyond that required by this subtitle or other applicable statutes.

[(i)] (J) (1) (⊕) Money deposited in the local forest conservation fund under subsection [(g)] (H) of this section may only be spent on reforestation and