

2021 -- H 5760

=====  
LC001565  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

—————  
A N A C T

RELATING TO AGRICULTURE AND FORESTRY

Introduced By: Representatives Speakman, Cortvriend, Donovan, Caldwell, Carson,  
Handy, and Tanzi

Date Introduced: February 24, 2021

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 2 of the General Laws entitled "AGRICULTURE AND FORESTRY"  
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 27

4 FOREST CONSERVATION ACT

5 **2-27-1. Statement of legislative purpose.**

6 (a) The general assembly recognizes that forest land in the state has many important values,  
7 including, but not limited to, clean air, clean water, economic importance, climate change  
8 mitigation, habitat, and supporting human health and well-being. Forest land should be maintained  
9 to meet Rhode Island's aggressive climate change goals through carbon sequestration and storage.  
10 Core forest land and connecting natural areas should be conserved to prevent ongoing  
11 fragmentation of the state's forests. Moreover, forest conservation is necessary to protect and  
12 maintain water quality and important wildlife habitat. It is in the best interest of the people that the  
13 state identify and acquire the development rights to core and unfragmented forests so as to maintain  
14 these important forest values for future generations. Moreover, the state must develop incentives to  
15 encourage private forest land owners to maintain forests and to enhance urban and community  
16 forestry ecosystems that provide collective benefits to people and wildlife, including filter air and  
17 water, control storm water, conserve energy, and a myriad of additional critical benefits.

18 (b) The general assembly finds that forest land is being converted to other uses because its  
19 current development value far exceeds its economic value to individual private landowners as

1 forest; that forest land is an important part of the state's economy, environment, and quality of life;  
2 and that forests provide important economic opportunities for many people living in the rural  
3 portions of the state. Whereas most of the development value of forests accrue to the private  
4 landowner, many of the economic benefits of retaining forests are also public benefits, some of  
5 which are not often quantified. All of this serves to undervalue forests without proper mechanisms  
6 and tools to account for public services and cost savings provided by private forests.

7 (c) Therefore, the general assembly establishes a forest conservation commission to be  
8 coordinated and staffed by the department of environmental management to implement the  
9 following objectives:

10 (1) Assess and recommend new funding sources to conserve forest land across the forest  
11 continuum of rural to urban landscapes;

12 (2) Identify incentives to encourage forest landowners to maintain and manage their land  
13 and preserve forest values;

14 (3) Encourage forest conservation as a means to sequester carbon and mitigate climate  
15 change and maintain the numerous other benefits provided by forests;

16 (4) Help to increase and create new markets for Rhode Island forest products to store  
17 carbon long-term and create new jobs;

18 (5) Assess impediments to the expansion of the Rhode Island forest products industry and  
19 recommend changes to remove impediments;

20 (6) Assess means to encourage the improvement and expansion of urban and community  
21 forestry; and

22 (7) Coordinate and seek input from key stakeholders to identify other science-based  
23 initiatives to promote the conservation of Rhode Island forestland.

24 **2-27-2. Definitions.**

25 As used in this chapter, unless the context indicates a different meaning or intent:

26 (1) "Cost" when used with reference to acquisition of development rights, means as of any  
27 particular date the cost subsequently incurred of purchasing the development rights, property rights  
28 and all other necessary expenses incident to planning, financing, and implementing the provisions  
29 of this chapter.

30 (2) "Department" means the department of environmental management.

31 (3) "Development rights" means the rights of the fee simple owner to develop, construct  
32 on, divide, sell, lease, or otherwise change the property in such a way as to render the land no longer  
33 forest land; this includes the exercise of the owner's rights to sell or grant easements or rights of  
34 way, or to sell the mineral or water rights or other rights if by that exercise the use of the land as

1 productive forest land is diminished; but does not include the rights of the owner to sell, lease, or  
2 otherwise improve the forest land to preserve, maintain, operate, or continue the land as forest land  
3 or all other customary rights and privileges of ownership, including the right to privacy. Specific  
4 restrictions to forest land development shall be formulated by the commission for each parcel of  
5 land to which the development rights are purchased and appended to the covenant at the time of its  
6 making.

7 (4) "Director" means the director of the department of environmental management, unless  
8 otherwise specified.

9 (5) "Forest-based business" means the inclusion of all the activities that go into harvesting  
10 forest products and turning them into usable products. These businesses include foresters, loggers,  
11 and truckers who manage, harvest, and transport raw materials and the companies that turn these  
12 raw materials into usable products for purchase in a variety of markets.

13 (6) "Forest conservation commission" or "commission" means the commission established  
14 pursuant to § 2-27-3.

15 (7) "Forest fragmentation" means the breaking of large, contiguous, forested areas into  
16 smaller pieces of forest; typically, these pieces are separated by roads, utility corridors,  
17 subdivisions, or other human development.

18 (8) "Forest land" means any tract or contiguous tracts of land, ten (10) acres or larger  
19 bearing a dense growth of trees, including any underbrush, and having either the quality of self-  
20 perpetuation, or being dependent upon its development by the planting and replanting of trees in  
21 stands of closely growing timber.

22 (9) "Forest management" means the focus on managing vegetation, restoring ecosystems  
23 and habitat, reducing hazards, and maintaining forest health for a desired outcome.

24 (10) "Fund" means the forest land conservation fund established pursuant to § 2-27-6.

25 **2-27-3. Forest conservation commission.**

26 (a)(1) There is established the forest conservation commission consisting of the directors  
27 of the department of environmental management and the department of administration, or their  
28 respective designees, both ex officio with the power to vote; and nine (9) public members to be  
29 appointed by the director of the department of environmental management. The public appointees  
30 shall include at least one member with knowledge or experience in forestry, one member with  
31 knowledge or experience with urban and community forestry, one member familiar with land use  
32 and community planning issues, one member active in land preservation, one member representing  
33 forest landowners, one member representing an environmental organization, one member with  
34 knowledge of forest habitat and one member representing a forest products business. No person

- 1 shall be eligible for appointment pursuant to this section unless he or she is a resident of this state.
- 2 (2) The members shall serve for terms of five (5) years each; provided, however, that of  
3 the members first appointed, one shall serve for one year, one shall serve for two (2) years, one  
4 shall serve for three (3) years, one shall serve for four (4) years, and the remaining members shall  
5 serve for five (5) years, from January first next succeeding their appointment, as the director shall  
6 designate.
- 7 (3) Any vacancy occurring otherwise than by expiration of term shall be filled in the same  
8 manner as the original appointment.
- 9 (4) Upon expiration of a member's term, that member shall continue as a member until that  
10 member's successor is appointed and qualified. Any person serving a term shall be eligible for  
11 appointment.
- 12 (5) No member, including ex officio members, shall receive compensation for the  
13 performance of his or her duties as a member; provided, however, that each appointed member may  
14 be reimbursed if funds are appropriated for his or her actual and necessary expenses incurred during  
15 the performance of his or her official duties.
- 16 (6) The commission shall designate annually from its members a chairperson and a vice  
17 chairperson.
- 18 (7) Whenever public hearings are required under this chapter, or whenever the commission  
19 determines a public hearing is appropriate, the commission shall use reasonable efforts to hold  
20 those hearings at a place or places that will reasonably accommodate the interested parties.
- 21 (8) Five (5) voting members of the commission shall constitute a quorum for the transaction  
22 of any business or the exercise of any power of the commission. Except as otherwise provided in  
23 this chapter, the commission shall have the power to act by a majority of the members present at  
24 any meeting at which a quorum is in attendance.
- 25 (9) The director may remove any member for cause or misconduct in office after giving  
26 him or her a copy of the charges against him or her and an opportunity to be heard, in person or by  
27 counsel, in his or her defense, upon not less than ten (10) days' notice. If any member shall be  
28 removed, the director shall file in the office of the secretary of state a complete statement of charges  
29 made against the member and his or her findings, together with a complete record of the  
30 proceedings.
- 31 (10) The director shall have the authority to establish subcommittees to fulfill the purposes  
32 of the commission. The subcommittee members shall be advisory to the commission and shall be  
33 comprised of key stakeholders representative of the issue(s) to be addressed.

34 **2-27-4. Powers of commission.**

1           The commission has the power to:

2           (1) Retain by contract or employ counsel, auditors, engineers, appraisers, private  
3 consultants and advisors, or other personnel needed to provide necessary services;

4           (2) Request the assistance of staff from the department or other state agencies on an as  
5 needed basis;

6           (3) Accept gifts, grants or loans of funds, or services from any source, public or private,  
7 and comply, subject to the provisions of this chapter, with the terms and conditions thereof;

8           (4) Accept from a federal agency loans or grants for use in carrying out its purposes and  
9 enter into agreement with an agency respecting those loans or grants; and

10           (5) Otherwise do all things necessary for the performance of its duties, the fulfillment of  
11 its obligations and the conduct of its business.

12           **2-27-5. Duties of the commission.**

13           The commission shall:

14           (1) Develop the criteria necessary for defining the most important forest land under this  
15 chapter;

16           (2) Make a reasonably accurate inventory of all land in the state that meets the definition  
17 of forest land;

18           (3) Inform the public, public officials, and other citizens and interested persons of the  
19 provisions of this chapter.

20           **2-27-6. Forest land conservation fund.**

21           (a) There is hereby established a forest land conservation fund.

22           (b) The fund may be utilized for purposes consistent with this chapter, including, but not  
23 limited to, the purchase of development rights to forest land.

24           (c) The fund shall consist of the following sources:

25           (1) Sums the legislature may appropriate;

26           (2) Monies received from federal, state or other sources, including bond funds;

27           (3) Monies received from any other sources including from any private donor for the fund;

28           (4) Any interest earned on the monies in the fund.

29           **2-27-7. Severability.**

30           If any provisions of this chapter or of any rule, regulation or order made under this chapter,  
31 or the application of this chapter to any person or circumstances, is held invalid by a court of  
32 competent jurisdiction, the remainder of this chapter, rule, regulation or order, and the application  
33 of that provision to other persons or circumstances shall not be affected. The invalidity of any  
34 section or sections or parts of any section or sections of this chapter shall not affect the validity of

1 [the remainder of this chapter, and it is declared to be the legislative intent that this chapter would](#)  
2 [have been enacted if those invalid parts had not been included in this chapter.](#)

3 SECTION 2. This act shall take effect upon passage.

=====  
LC001565  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO AGRICULTURE AND FORESTRY

\*\*\*

1           This act would create a forest conservation commission, to be coordinated with the  
2 department of environmental management, to seek new funding and identify incentives for  
3 landowners to maintain their land as forest.

4           This act would take effect upon passage.

=====  
LC001565  
=====