

2023 -- H 5344

LC001237

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO AGRICULTURE AND FORESTRY -- OLD GROWTH FOREST
PROTECTION ACT

Introduced By: Representatives Shanley, Craven, O'Brien, Bennett, Cotter, Spears,
Casimiro, Batista, Solomon, and Kazarian

Date Introduced: February 03, 2023

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 28

4 OLD GROWTH FOREST PROTECTION ACT

5 **2-28-1. Statement of legislative purpose.**

6 The general assembly recognizes that:

7 (1) Old growth forests are significant ecosystems where native trees and animals live.

8 (2) There are certain animals, insects, and birds that only live in old growth forests.

9 (3) There are also native tree species that might not come back if an old growth forest is
10 cut.

11 (4) More native species live in old growth forests than second growth forests.

12 (5) Old growth forests are important carbon sinks storing more carbon than an average
13 Rhode Island forest, and if cut, would release its stored carbon into the atmosphere.

14 (6) Old growth forests are extremely rare, and once cut, might not come back for a hundred
15 (100) years or more.

16 (7) It is a matter of public interest that old growth forests receive special consideration for
17 conservation purposes.

18 (8) It is a matter of public interest that old growth forests are to be untouched and left in

1 their perfect natural state.

2 **2-28-2. Definitions.**

3 As used in this chapter:

4 (1) "Buffer area" means an area on land owned by the state or its cities and towns
5 immediately adjacent to an old growth forest that is of sufficient size and configuration for each
6 old growth forest to protect the old growth forest from human activity and alteration and mitigates
7 the effects of natural disturbances including, but not limited to, wind, storms, fire, insect infestation,
8 invasive species and disease.

9 (2) "Forest" means any area of land at least one acre in size with a concentration of trees
10 and related vegetation.

11 (3) "Forestry operations" means tree cutting, timber harvesting, girdling, or any alteration
12 to a forest.

13 (4) "Old growth forests" means a forest at least five (5) acres in size that exhibits at least
14 three (3) of the following characteristics:

15 (i) Shows no evidence of significant human disturbance that originated on the site;

16 (ii) Numerous old trees, of which the oldest exceed at least half the projected maximum
17 attainable age for the species;

18 (iii) Shade-tolerant species are present in all age and size classes;

19 (iv) Randomly distributed canopy gaps caused by natural disturbances are present;

20 (v) A high degree of structural diversity characterized by multiple growth layers reflecting
21 a broad spectrum of ages is present;

22 (vi) An accumulation of dead wood of varying sizes and stages of decomposition
23 accompanied by decadence in live dominant trees is present;

24 (vii) Pit and mound topography can be observed;

25 (viii) Presence of balding bark on the older trees;

26 (ix) Presence of stag-headed shaped tree crowns among the older trees in the forest;

27 (x) Very little underbrush located on the forest floor;

28 (xi) Contains a large variety of native tree species; and

29 (xii) Has the capacity for self-perpetuation.

30 **2-28-3. Prohibitions.**

31 (a) Forestry operations conducted in old growth forests on state land, or any land owned
32 by the cities and towns of Rhode Island are strictly prohibited.

33 (b) Funding of forestry operations conducted in old growth forests by the state or the cities
34 and towns of Rhode Island on private land is strictly prohibited.

1 **2-28-4. Requirements.**

2 (a) All state and municipal owned forests prior to scheduled forestry operations shall
3 undergo tree coring, tree species identification, soil sampling, as well as a survey to determine if
4 the forest meets the criteria to be designated as an old growth forest as defined in this chapter before
5 any forestry operations take place to prevent the accidental cutting of old growth forests. The survey
6 shall be conducted by the department of environmental management for state-owned land, and local
7 land trusts, tree commissions, or wildlife and conservation commissions for land owned by the
8 cities and towns. The department of environmental management shall provide cities and towns with
9 the necessary materials needed to conduct the survey. A report of the survey with the data collected
10 shall be made easily available to the public at least three (3) weeks before any forestry operations
11 take place on state-owned land and land owned by the cities and towns of Rhode Island.

12 (b) Whenever any land is acquired by the state or any of its cities and towns, a survey shall
13 be conducted to determine if the forest meets the criteria to be designated as an old growth forest
14 as defined in this chapter. The survey shall include tree coring, tree species identification, and soil
15 sampling. No forestry operations shall be conducted until completion of the survey pursuant to the
16 provisions in this section. The survey shall be conducted by the department of environmental
17 management for state-owned land, and local land trusts, tree commissions, or wildlife and
18 conservation commissions for land owned by the cities and towns. The department of
19 environmental management shall provide cities and towns with the necessary materials needed to
20 conduct the survey. A report of the survey with the data collected shall be made easily available to
21 the public for acquired state owned land and acquired land owned by the cities and towns of Rhode
22 Island.

23 (c) The department of environmental management in coordination with the Rhode Island
24 Natural History Survey and the Old Growth Tree Society shall conduct an inventory of the forests
25 on state-owned land to determine the extent and condition of old growth forest stands. The
26 preliminary identification of old growth forest stands should also include an estimate of necessary
27 buffer areas, including an explanation of the rationale for the estimated size and shape of such
28 buffer areas. All old growth forests and the adjacent buffer areas identified in this inventory shall
29 be designated as natural area preserves as defined in § 42-122-3.

30 (d) The department of environmental management shall designate no fewer than fifteen
31 (15) natural area preserves as defined in § 42-122-3 by January 1, 2024.

32 (e) Any forestry operations conducted in the natural area preserves as defined in § 42-122-
33 3 are strictly prohibited.

34 **2-28-5. Preservation and protected funding.**

1 (a) Protecting the remaining areas of old growth forests shall be a priority for the
2 department of environmental management and annual application to the general assembly for
3 appropriations shall be made to carry out the provisions of this chapter.

4 (b) Local cities and towns may make applications to the general assembly for
5 appropriations to preserve old growth forests.

6 **2-28-6. Penalty for violations of §§ 2-28-3 and 2-28-4.**

7 (a) Any person, firm or corporation violating the provisions of §§ 2-28-3 or 2-28-4, shall
8 be punished by a fine of not less than five thousand dollars (\$5,000) for each offence.

9 (b) The department of environmental management has the authority to order anyone
10 convicted of violating §§ 2-28-3 or 2-28-4, or any governmental entity which the department of
11 environmental management determines violated §§ 2-28-3 or 2-28-4 to donate no less than three
12 thousand dollars (\$3,000) to the department of environmental management in a fund devoted to the
13 preservation of old growth forests.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO AGRICULTURE AND FORESTRY -- OLD GROWTH FOREST
PROTECTION ACT

1 This act would prohibit forestry operations on land owned by the state and any municipality
2 relating to old growth forests. This act would also require the department of environmental
3 management (DEM) to protect old growth forests funded by the general assembly as well as
4 enforcing any violations by the imposition of fines.

5 This act would take effect upon passage.

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