AN ACT
RELATING AGRICULTURE AND FORESTRY
OLD GROWTH FOREST PRESERVATION ACT

Introduced By: Representatives Bennett, Shanley, Speakman, Amore, Craven, Noret, Kislak, Cortvriend, Donovan, and McEntee

Date Introduced: January 12, 2022

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

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

CHAPTER 28
OLD GROWTH FOREST PRESERVATION ACT

2-28-1. Statement of legislative purpose.

The general assembly recognizes that:

(1) Old growth forests are significant ecosystems where native trees and animals live.
(2) There are certain animals, insects, and birds that only live in old growth forests.
(3) There are also native tree species that might not come back if an old growth forest is cut.
(4) More species live in old growth forests than second growth forests.
(5) Old growth forests are important carbon sinks storing more carbon than an average Rhode Island forest, and if cut, would release its stored carbon into the atmosphere.
(6) Old growth forests are extremely rare, and once cut, might not come back for a hundred (100) years or more.
(7) Rhode Island's old growth forests are at serious risk of being cut for development to include, but not limited to, solar projects.
(8) It is a matter of public interest that old growth forests receive special consideration for
management purposes.

(9) It is a matter of public interest that to the extent reasonably possible, old growth forests are to be untouched and left in their perfect natural state.


(1) "American beech forest" means any forest that is over one acre in size where the dominant tree species is American beech.

(2) "American hophornbeam forest" means any forest that is over one acre in size where the dominant understory tree species is American hophornbeam.

(3) "American hornbeam forest" means any forest that is over one acre in size where the dominant understory tree species is American hornbeam.

(4) "Atlantic white cedar forest" means any forest that is over one acre in size where the dominant tree species is Atlantic white cedar.

(5) "Black tupelo forest" means any forest that is over one acre in size where the dominant tree species is black tupelo.

(6) "Old growth forests" means any forest that is over one acre in size where the oldest trees in that forest have attained the age of one hundred (100) years old.

(7) "Sugar maple forest" means any forest that is over one acre in size where the dominant tree species is sugar maple.

(8) "Yellow birch forest" means any forest that is over one acre in size where the dominant tree species is yellow birch.


(a) Cutting, timber harvesting, or altering of old growth forests, American beech forests, yellow birch forests, sugar maple forests, Atlantic white cedar forests, black tupelo forests, American hornbeam forests, or American hophornbeam forests on state land or any land owned by the cities and towns of Rhode Island is strictly prohibited, except as provided in subsection (c) of this section.

(b) Funding of cutting, timber harvesting, or altering of old growth forests, American beech forests, yellow birch forests, sugar maple forests, Atlantic white cedar forests, black tupelo forests, American hornbeam forests, or American hophornbeam forests by the state or the cities and towns of Rhode Island on private land is strictly prohibited, except as provided in subsection (c) of this section.

(c) The prohibition provided in subsections (a) and (b) of this section shall not apply to the cutting or removal of any tree, or a portion thereof, which an arborist licensed pursuant to the provisions of § 2-19-2 certifies is diseased or damaged or dead and constitutes a danger or hazard
to public safety or to the health of other trees.

2-28-4. Requirements.

(a) All state and municipal owned forests known or suspected to be old growth forests prior to scheduled cutting or timber harvesting or some other form of alteration shall undergo tree coring, tree species identification, and soil sampling before any forestry operation takes place to prevent accidental cutting of any old growth forests.

(b) Whenever any land is acquired by the state or any of its cities and towns, a survey shall be conducted to identify the presence of any old growth forests. The survey shall include tree coring, tree species identification, and soil sampling. No foresting operation shall be conducted until completion of the survey pursuant to the provision of this section, except for cutting or removal authorized pursuant to § 2-28-3(c).

(c) The department of environmental management shall designate at least forty percent (40%) of its forest properties to be future old growth forests. These future old growth forests shall not be logged, timber harvested, or altered in any way, except as provided in § 2-28-3(c). Future old growth forest may consist of, but not be limited to, American beech forests, yellow birch forests, sugar maple forests, Atlantic white cedar forests, black tupelo forests, American hornbeam forests, and American hophombeam forests. Top candidates for future old growth forests shall be mature, native, continuous forests.

(d) Mapping of old growth forests shall be made a part of the regulatory application process of all land development. The requirement of this section shall not be interpreted as a strict prohibition against the cutting of any old growth forests for land development purposes.

(e) The department of environmental management shall be notified of any proposed development of lands containing old growth forests at a minimum of thirty (30) days prior to the cutting or destruction of any old growth forest for land development purposes.

(f) Every board, commission or agency reviewing a regulatory application that identifies the cutting, removal or destruction of an old growth forest as part of a land development proposal, shall consider the availability of reasonable alternative proposals that would preserve the old growth forest as part of the review process.

2-28-5. Preservation and protected funding.

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

(b) Local cities and towns may make application to the general assembly for appropriations to preserve or create old growth forests.
SECTION 2. This act shall take effect upon passage.
EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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RELATING AGRICULTURE AND FORESTRY - OLD GROWTH FOREST PRESERVATION ACT

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1 This act would create state and local requirements for the protection and preservation of old growth forests located on public lands. It would also mandate the identification and mapping of these forests, especially as part of the land development application process.

4 This act would take effect upon passage.

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