

2022 -- S 2843

LC005679

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

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

Introduced By: Senators McCaffrey, Anderson, Mack, Calkin, and DiMario

Date Introduced: April 05, 2022

Referred To: Senate Environment & Agriculture

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 PRESERVATION ACT

5 **2-28-1. Definitions.**

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

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

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

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

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

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

18 (7) "Sugar maple forest" means any forest that is over one acre in size where the dominant

1 tree species is sugar maple.

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

4 **2-28-2. Prohibitions.**

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

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

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

19 **2-28-3. Requirements.**

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

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

29 (c) The department of environmental management shall designate at least forty percent  
30 (40%) of its forest properties to be future old growth forests. These future old growth forests shall  
31 not be logged, timber harvested, or altered in any way, except as provided in § 2-28-2(c). Future  
32 old growth forest may consist of, but not be limited to, American beech forests, yellow birch forests,  
33 sugar maple forests, Atlantic white cedar forests, black tupelo forests, American hornbeam forests,  
34 and American hophornbeam forests. Top candidates for future old growth forests shall be mature,

1 native, continuous forests.

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

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

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

12 **2-28-4. Preservation and protected funding.**

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

16 (b) Local cities and towns may make application to the general assembly for appropriations  
17 to preserve or create old growth forests.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO 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  
2 old growth forests located on public lands. It would also mandate the identification and mapping  
3 of these forests, especially as part of the land development application process.  
4           This act would take effect upon passage.

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