

2024 -- H 7293

LC003810

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

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

Introduced By: Representatives Shanley, Craven, Bennett, Vella-Wilkinson, Spears, and  
Ajello

Date Introduced: January 26, 2024

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Statement of legislative purpose.

2 The general assembly recognizes that current Rhode Island laws do not provide protection  
3 for forestland apart from existing wetland protection laws, and hereby finds and declares as follows:

4 (1) Rhode Island is the only state in New England that has no state-owned forests protected  
5 in their natural state.

6 (2) The world is facing a biodiversity crisis where populations of native species are  
7 declining at an alarming rate and many species are facing extinction. Native species in Rhode Island  
8 are at risk of becoming regionally extinct due to habitat destruction.

9 (3) Old growth forests are significant ecosystems where native trees, plants, and animals  
10 live.

11 (4) There are certain animals, insects, birds, and plants that only live in old growth forests.

12 (5) There are native tree species that might not return if an old growth forest is logged.

13 (6) A greater diversity of native species live in old growth forests.

14 (7) Old growth forests are important carbon sinks which store far more carbon than an  
15 average Rhode Island forest, and, if cut, would release their stored carbon into the atmosphere  
16 contributing to climate change.

17 (8) Old growth forests are extremely rare, and once cut, may not come back for a hundred  
18 (100) years or more.

1 (9) According to the 2020 forest action plan prepared jointly by the Rhode Island  
2 department of environmental management and the United States forest service, only one percent of  
3 Rhode Island’s forests are over one hundred (100) years old.

4 (10) Clearcutting, and other forms of destructive logging, increases the presence and spread  
5 of invasive plants, which can outcompete native plants and harbor ticks.

6 (11) Clearcutting causes erosion, destroys biodiversity, and contaminates waterways with  
7 the sediment from the clearcutting operation.

8 (12) Numerous native forests on state-owned land that have been logged have not regrown.

9 (13) Natural heritage areas on state-owned land have been logged.

10 (14) The state approves and regularly carries out clearcut logging of natural forests on state-  
11 owned land.

12 (15) Most of the wood logged from state-owned forests is turned into wood chips, mulch,  
13 and firewood, which are short lived products resulting in the stored carbon in the wood being  
14 quickly released into the atmosphere contributing to climate change.

15 (16) Clearcutting of forests creates carbon emissions which does not comply with the goals  
16 of the 2021 Act on Climate pursuant to the provisions of § 42-6.2-2.

17 (17) Clearcutting and most other types of logging of natural forests increase the occurrence  
18 of a destructive brush fire by promoting dry, flammable logging debris, small trees, and underbrush  
19 including grassy weeds.

20 (18) Wildfires were at their lowest point when the state was dominated by old growth  
21 forests due to old growth forests being more resistant to wildfires.

22 (19) Wildfires increased in the 19th and early 20th centuries after the primeval old growth  
23 forests were clearcut.

24 (20) According to the United States Department of the Interior, nationally, almost nine (9)  
25 out of ten (10) wildfires are caused by humans.

26 (21) In 2023, a wildfire in Exeter, which was the largest wildfire in Rhode Island since  
27 1942, started in a clearcut area.

28 (22) A portion of the forest that burned in the 2023 Exeter wildfire was logged in a forest  
29 ‘thinning’ operation a few years before the fire occurred and had no effect in stopping the wildfire.

30 (23) In 2007, the Rhode Island natural heritage program was discontinued.

31 (24) Not even one natural area preserve has been designated since the passage of the  
32 Natural Areas Protection Act of 1993, chapter 122 of title 42.

33 (25) According to the 2023 report, “Wildlands in New England,” based on research  
34 conducted by Harvard Forest, Highstead Foundation, Northeast Wilderness Trust, and Wildlands,

1 Woodlands, Farmlands and Communities, Rhode Island is the only state in New England with no  
2 protected wildlands on public land.

3 (26) The natural area preserves qualify as wildlands as defined in this chapter.

4 (27) It is a matter of public benefit to preserve natural areas and old growth forests on  
5 public land.

6 (28) It is a matter of public benefit that old growth forests be untouched and left in their  
7 natural state.

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

10 CHAPTER 28

11 OLD GROWTH FOREST PROTECTION ACT

12 **2-28-1. Definitions.**

13 As used in the chapter:

14 (1) "Buffer area" means an area on land owned by the state or a city or town immediately  
15 adjacent to an old growth forest or natural area preserve that is of sufficient size and configuration  
16 for each old growth forest or natural area preserve to protect the area from ecologically harmful  
17 human activity or alteration.

18 (2) "Extractive logging" means the felling or removal of any trees from a forest for any  
19 purpose.

20 (3) "Forest" means any area of land at least one acre in size with a concentration of trees  
21 and related vegetation which has the capacity for self-perpetuation.

22 (4) "Natural area preserve" means natural area preserve as defined in § 42-122-3.

23 (5) "Natural heritage areas" means any areas mapped in the natural heritage database,  
24 developed as an aid in the identification and protection of plant and animal species listed in the  
25 Rhode Island natural heritage data.

26 (6) "Old growth forests" means a contiguous forest at least five (5) acres in size that  
27 exhibits at least six (6) of the following characteristics:

28 (i) Contains an ecologically significant number of trees over one hundred (100) years old  
29 as of 2024;

30 (ii) Shows no evidence of significant human disturbance that originated on the site within  
31 the past one hundred (100) years;

32 (iii) An abundance of late successional tree species, with at least a majority of canopy trees  
33 that exceed half their maximum biological age including numerous large diameter trees;

34 (iv) A complex structural diversity of old, young, and middle-aged trees at different canopy

1 levels;

2 (v) Large standing dead trees called ‘snags’, live trees with cavities, dead, broken, or  
3 decaying parts or canopy gaps due to natural disturbance;

4 (vi) Coarse woody debris along the forest floor consisting of abundant dead wood in  
5 various sizes and stages of decay;

6 (vii) An abundance of lichen and moss on trees, decaying logs, and the ground;

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

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

9 (x) Presence of an ecologically significant natural community or diversity of native tree  
10 species; or

11 (xi) Has the capacity for self-perpetuation.

12 (7) “Rare forest ecosystem” means any contiguous forest over one acre in size that contains  
13 a high level of native biodiversity, old growth forest characteristics, or any characteristics that  
14 makes the forest ecologically distinct as determined by the natural heritage program.

15 (8) “Wildlands” means tracts of any size and current condition, permanently protected from  
16 development and extractive logging, in which management is explicitly intended to allow natural  
17 processes to prevail with free will and minimal human interference. Humans have been part of  
18 nature for millennia and can coexist within and with wildlands without intentionally altering their  
19 structure, composition, or function.

20 **2-28-2. Prohibitions.**

21 (a) Extractive logging conducted in old growth forests on state-owned land, or any land  
22 owned by the cities and towns of Rhode Island, is strictly prohibited.

23 (b) Extractive logging conducted in a natural area preserve as defined in § 42-122-3 is  
24 strictly prohibited.

25 **2-28-3. Exception for hazard trees and invasive trees.**

26 (a) Felling of individual trees bordering trails that constitute a safety hazard as determined  
27 by the natural heritage program may be permitted in old growth forests and natural area preserves  
28 on state-owned land, or any land owned by a city or town, subject to the approval of the natural  
29 heritage program, and such trees shall remain in the forest and left where they fell, or a short  
30 distance from the trail to avoid constituting an obstruction or hazard.

31 (b) Felling of invasive trees that are non-native to the state and threatening to native  
32 ecosystems as determined by the natural heritage program may be permitted in old growth forests  
33 and natural area preserves on state-owned land, or any land owned by a city or town, subject to the  
34 approval of the natural heritage program.

1           **2-28-4. Requirements.**

2           (a)(1) All state and municipal owned forests prior to scheduled extractive logging  
3 operations shall undergo an inventory to determine if the forest meets the criteria to be designated  
4 as an old growth forest, natural heritage area, or rare forest ecosystem, as defined in this chapter  
5 before any extractive logging takes place. The inventory shall be conducted by the natural heritage  
6 program for state-owned land and land owned by the cities and towns. The natural heritage program  
7 must be notified of the extractive logging operation no less than three (3) months in advance. All  
8 documents pertaining to the extractive logging operation shall be turned over to the natural heritage  
9 program at the same time as the initial notice. A report of the inventory prepared by the natural  
10 heritage program with the data collected shall be made easily available to the public at least four  
11 (4) weeks before any extractive logging takes place on state-owned land and land owned by the  
12 cities and towns of Rhode Island. The department of environmental management is required to  
13 publish a press release regarding the details of the extractive logging operation no less than two (2)  
14 weeks prior to the date the extractive logging is scheduled to take place.

15           (2) All extractive logging operations on state-owned land are subject to the approval of the  
16 natural heritage program which shall determine whether the extractive logging operation involves  
17 clearcutting or any other ecologically destructive logging practice. A forest ecologist shall be on  
18 site when any extractive logging operation takes place on state-owned land in order to supervise  
19 the logging. An arborist registered with the International Society of Arboriculture shall be on site  
20 when any felling of hazard trees takes place in old growth forests on state-owned land, or any land  
21 owned by the cities and towns of Rhode Island, and in the natural area preserves, in order to  
22 supervise the felling of the hazard tree.

23           (3) There shall be a visual record of all extractive logging operations on state-owned land,  
24 as well as felling of hazard trees and invasive trees in old growth forests on state-owned land and  
25 land owned by the cities and towns of Rhode Island, and in the natural area preserves, containing  
26 images and video of the trees intended to be felled and nearby trees before and after the extractive  
27 logging operation and the felling of hazard trees and invasive trees takes place. The visual record  
28 shall be the responsibility of an employee of the natural heritage program.

29           (b)(1) Whenever any land is acquired by the state, or any of its cities and towns, an  
30 inventory shall be conducted to determine if the forest meets the criteria to be designated as an old  
31 growth forest, natural heritage area, or rare forest ecosystem, as defined in this chapter. No  
32 extractive logging operations shall be conducted until completion of the inventory pursuant to the  
33 provisions in this section. The inventory shall be conducted by the natural heritage program for  
34 state-owned land and land owned by the cities and towns. The natural heritage program shall be

1 notified of the land acquisition no less than two (2) months before the land purchase.

2 (2) All documents pertaining to the land acquisition shall be turned over to the natural  
3 heritage program at the same time as the initial notice. A report of the inventory prepared by the  
4 natural heritage program with the data collected shall be made easily available to the public for  
5 acquired state-owned land and acquired land owned by the cities and towns of Rhode Island.

6 (c) The natural heritage program shall conduct an inventory of the forests on state-owned  
7 land and land owned by the cities and towns to determine the extent and condition of old growth  
8 forest stands and rare forest ecosystems. The preliminary identification of old growth forest stands  
9 and rare forest ecosystems should also include an estimate of necessary buffer areas, including an  
10 explanation of the rationale for the estimated size and shape of such buffer areas.

11 (d) All natural heritage areas on state-owned land shall be designated as natural area  
12 preserves as defined in § 42-122-3, which shall take effect upon passage, and shall not require the  
13 approval of the director or comply with the procedure as set forth in § 42-122-6.

14 **2-28-5. Preservation and protected funding.**

15 (a) Protecting the remaining areas of old growth forests shall be a priority for the State of  
16 Rhode Island and annual application to the general assembly by the natural heritage program for  
17 appropriations shall be made to carry out the provisions of this chapter.

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

20 **2-28-6. Penalty for violations.**

21 (a) Any person, firm or corporation violating the provisions of §§ 2-28-3, 2-28-4, or 2-28-  
22 5, shall be guilty of a felony and shall be subject to a fine of not less than five thousand dollars  
23 (\$5,000) for each offense, or imprisonment for not less than ten (10) days nor more than ninety (90)  
24 days or both.

25 (b) It shall be the duty of the department of attorney general to conduct any prosecution of  
26 violations reported by the director of the natural heritage program under the provisions of chapter  
27 28 of title 2, chapter 122 of title 42, and chapter 166 of title 42.

28 SECTION 3. Title 42 of the General Laws entitled "STATE AFFAIRS AND  
29 GOVERNMENT" is hereby amended by adding thereto the following chapter:

30 CHAPTER 166  
31 NATURAL HERITAGE PROGRAM

32 **42-166-1. Natural heritage program.**

33 (a) There is hereby established within the executive branch of state government a natural  
34 heritage program.

1           (b) The natural heritage program shall consist of a director who shall be appointed by the  
2 governor with the advice and consent of the senate, and support personnel appointed by the director.  
3 The director and employees of this program shall not have been previously employed in any  
4 capacity by the timber industry including advertising, legal, or lobbying.

5           (c) The natural heritage program shall have the following powers and duties:

6           (1) To find, monitor, and protect native biodiversity, old growth forests, rare forest  
7 ecosystems, and rare and endangered natural species in the State of Rhode Island.

8           (2) To inventory old growth forests, rare forest ecosystems, rare and endangered natural  
9 species, and areas with unique native biodiversity before any extractive logging takes place on land  
10 owned by the state, and land owned by its cities and towns.

11           (3) To inventory old growth forests, rare forest ecosystems, rare and endangered natural  
12 species, and areas with unique native biodiversity before any extractive logging takes place on  
13 privately owned land only on request from state and municipal agencies, and private landowners.

14           (4) To designate the natural area preserves as defined in § 42-122-3.

15           (5) To administer the natural area preserves as defined in § 42-122-3 on state-owned land.

16           (6) To have final approval of all extractive logging operations as defined in § 2-28-2 on  
17 state-owned land and determine whether the extractive logging operation involves clearcutting or  
18 any other ecologically destructive logging practice.

19           (7) To have final approval of all prescribed burning as defined in § 2-12-1 on state-owned  
20 land.

21           (8) To have final approval of all felling of hazard trees and invasive trees in old growth  
22 forests on state-owned land, or any land owned by the cities and towns of Rhode Island, and in the  
23 natural area preserves, pursuant to the exceptions in § 2-28-4.

24           (9) To maintain the natural heritage database.

25           (10) To create a biodiversity protection plan.

26           (11) To create a rare and endangered species list.

27           (12) To conduct such hearings, examinations, and investigations as may be necessary and  
28 appropriate to the conduct of its operations and the fulfillment of its responsibilities.

29           (13) To obtain access to public records and apply for the process of subpoena, if necessary,  
30 to produce books, papers, records, and other data.

31           (14) Accept on behalf of the state, gifts, grants, or loans of funds, personal or real property,  
32 or services from any source, public or private, and comply, subject to the provisions of this chapter,  
33 with the terms and conditions thereof.

34           (15) Accept, from a federal agency, loans or grants for use in carrying out its purposes and

- 1 enter into agreement with the agency respecting any such loans or grants.
- 2 (16) To create forest management plans in coordination with municipalities for the natural  
3 area preserves on land owned by the cities and towns.
- 4 (17) To provide funds to manage the natural area preserves on land owned by the cities and  
5 towns.
- 6 (18) To create forest management plans in coordination with private landowners for the  
7 natural area preserves on land owned by private landowners.
- 8 (d) The director shall have the following powers and duties:
- 9 (1) Administration and direction of the operation of the natural heritage program.
- 10 (2) To designate the natural area preserves pursuant to §§ 42-122-4, 42-122-5, 42-122-6,  
11 and 42-122-7.
- 12 (3) To administer the natural area preserves as defined in § 42-122-3 on state-owned land.
- 13 (4) To inventory old growth forests, rare forest ecosystems, rare and endangered natural  
14 species, and areas with unique native biodiversity before any extractive logging takes place on land  
15 owned by the state, and land owned by its cities and towns.
- 16 (5) To inventory old growth forests, rare forest ecosystems, rare and endangered natural  
17 species, and areas with unique native biodiversity before any extractive logging takes place on  
18 privately owned land only on request from state and municipal agencies, and private landowners.
- 19 (6) To have final approval of all extractive logging operations as defined in § 2-28-2 on  
20 state-owned land and determine whether the extractive logging operation involves clearcutting or  
21 any other ecologically destructive logging practice.
- 22 (7) To have final approval of all prescribed burning as defined in § 2-12-1 on state-owned  
23 land.
- 24 (8) To have final approval of all felling of hazard trees and invasive trees in old growth  
25 forests on state-owned land, or any land owned by the cities and towns of Rhode Island, and in the  
26 natural area preserves, pursuant to the exceptions in § 2-28-4.
- 27 (9) To formulate policies and plans and to adopt regulations necessary to implement  
28 protections for native biodiversity, old growth forests, rare forest ecosystems, and rare and  
29 endangered natural species, and to carry out the provisions of this chapter.
- 30 (10) To formulate policies, plans, and recommendations necessary to make the state's  
31 forests less susceptible to forest fires and brush fires, and to adopt regulations for lands under their  
32 jurisdiction.
- 33 (11) To formulate policies and plans and to adopt regulations necessary to reduce the  
34 spread of non-aquatic invasive species in Rhode Island and to create a list of invasive species in



1 Rhode Island.

2 (12) To formulate policies and plans and to adopt regulations necessary to combat diseases  
3 and insect infestations affecting Rhode Island's native trees.

4 (13) To maintain the natural heritage database.

5 (14) To create a biodiversity protection plan.

6 (15) To create a rare and endangered species list.

7 (16) To appoint the personnel employed in the natural heritage program.

8 (17) To retain by contract or employ counsel, auditors, engineers, appraisers, private  
9 consultants and advisors, or other personnel needed to provide necessary services.

10 (18) To create forest management plans in coordination with municipalities for the natural  
11 area preserves on land owned by the cities and towns.

12 (19) To provide funds to manage the natural area preserves on land owned by the cities and  
13 towns.

14 (20) To create forest management plans in coordination with private landowners for the  
15 natural area preserves on land owned by private landowners.

16 (21) To make any studies of conditions, activities, or problems of the state's natural area  
17 preserves needed to carry out the natural heritage program's responsibilities.

18 (22) To make annual application to the general assembly for appropriations to fund the  
19 natural heritage program.

20 (e) The natural heritage program is hereby designated as the lead state agency and initial  
21 and primary point of contact for purposes of native biodiversity, old growth forests, rare forest  
22 ecosystems, and rare and endangered natural species.

23 (f) The natural heritage program as set forth in this chapter shall be a separate entity from  
24 the natural heritage preservation program as set forth in chapter 17.5 of title 42. Nothing contained  
25 in chapter 17.5 of title 42 shall be applicable to or restrict the natural heritage program as set forth  
26 in this chapter.

27 (g) No powers or duties granted to the department of environmental management in  
28 chapters 1 through 27 of title 2, chapters 1 through 39 of title 20, chapters 1 through 7 of title 32,  
29 or chapters 17.1 through 17.10 of title 42, shall be construed to abrogate the powers or duties  
30 granted to the natural heritage program as set forth in this chapter.

31 SECTION 4. Sections 2-12-1, 2-12-2, 2-12-3, 2-12-4, 2-12-5, 2-12-6, 2-12-7, 2-12-8, 2-  
32 12-9, 2-12-10, 2-12-11, 2-12-12, 2-12-13, 2-12-15, 2-12-16, 2-12-17, 2-12-19 and 2-12-21 of the  
33 General Laws in Chapter 2-12 entitled "Forest Fires and Prevention" are hereby amended to read  
34 as follows:

1           **2-12-1. Definitions.**

2           For the purposes of this chapter:

3           (1) “Authorized representative” means anyone recognized and/or appointed and/or  
4 commissioned by the director of the department of ~~natural resources~~ environmental management  
5 or the director of the natural heritage program to exercise and pursue the laws, rules and regulations  
6 intended by this chapter.

7           (2) “Authorized senior officer” means a member of a fire organization who is authorized  
8 by the fire chief to issue burning permits.

9           (3) “Boulders” means large rocks that obstruct an entrance to forest land or brush land.

10          (4) “Building” means any structure used or intended for supporting or sheltering any use  
11 or occupancy.

12          ~~(5)~~(5) “Director” means the director of the department of environmental management.

13          (6) “Director of the natural heritage program” means the director of the natural heritage  
14 program, established under chapter 166 of title 42.

15          (7) “Downed trees” means any fallen trees from natural events obstructing a fire trail.

16          (8) “Dwelling” means any enclosed space which is wholly or partly used or intended to be  
17 used for living or sleeping by human occupants.

18          (9) “Fire breaks” means a permanent or temporary strip of ground cleared to bare soil or  
19 planted with fire-resistant vegetation meant to stop the spread of fire.

20          ~~(10)~~(10) “Fire chief” means the elected, appointed, designated or recognized leader and  
21 member of a fire organization.

22          (11) “Fire department access road” means the road or other means developed to allow  
23 access and operational setup for fire-fighting and rescue apparatus.

24          ~~(12)~~(12) “Flammable material” means any substance that will burn, including but not limited  
25 to, refuse, debris, waste forest material, brush, stumps, logs, rubbish, fallen timber, grass, stubble,  
26 leaves, fallow land, slash crops or crop residue.

27          ~~(13)~~(13) “Forest fire” or ~~“Wildland fire”~~ “brush fire” means any fire occurring on forest land  
28 or ~~wildland~~ brush land.

29          ~~(14)~~(14) “Forest land” or ~~“Wildland fire”~~ “brush land” means timbered land, potential timber  
30 producing land, cutover or burned timber land or grass lands not including lands devoted to  
31 agriculture.

32          (15) “Occupant” means any person, over one year of age, living, sleeping, cooking, or  
33 eating in, or actually having possession of, a dwelling unit or a rooming unit, and/or structure,  
34 except that in dwelling units a guest will not be considered an occupant.

1 (16) “Owner” means any person who, alone or jointly or severally with others:

2 (i) Has legal title or tax title (pursuant to §§ 44-9-40 through 44-9-46, inclusive) to any  
3 dwelling, dwelling unit or structure with or without accompanying actual possession thereof; or

4 (ii) Has charge, care, or control of any dwelling, dwelling unit or structure as owner or  
5 agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner.

6 Any person representing the actual owner shall be bound to comply with the provisions of this  
7 chapter and the rules and regulations adopted pursuant thereto to the same extent as if they were  
8 the owner.

9 ~~(8)~~(17) “Person” means any individual, corporation, partnership, association, municipality  
10 or other public body or legal entity or employee or agent of the person.

11 (18) “Prescribed burning” means the intended controlled application of fire by the  
12 department of environmental management, fire departments, or any other agency of the state.

13 ~~(9)~~(19) “Senior officer” means a member of a fire organization who would be next in  
14 command during the absence of the fire chief.

15 (20) “Underbrush” means shrubs, bushes, or small trees.

16 (21) “Wood slash” means any wood debris left on the ground after a logging operation.

17 **2-12-2. Fire fighting equipment.**

18 The director of environmental management and the director of the natural heritage program  
19 may purchase any special forest fire equipment and supplies that in their judgment may be  
20 necessary to promptly and quickly extinguish forest fires occurring in the more heavily wooded  
21 areas of the state and brush fires, and the equipment and supplies shall be located in each of the  
22 forest lookout station zones at those places and under any supervision that the director of  
23 environmental management or the director of the natural heritage program may designate. The  
24 equipment and supplies may consist of gas masks, pumps, hose, brooms, shovels, trucks and similar  
25 articles, but the equipment and supplies shall not be purchased until an appropriation is made by  
26 the general assembly.

27 **2-12-3. Lookout stations and appropriations.**

28 (a)(1) For the purpose of protecting the forests from fire, the director of environmental  
29 management and the director of the natural heritage program may expend, within the amount  
30 appropriated, a sum sufficient to establish, equip and maintain lookout stations, may purchase or  
31 lease necessary land and purchase material, contract for the construction of lookout stations,  
32 employ a watcher at each station established during those periods in each year that the director of  
33 environmental management or the director of the natural heritage program may deem advisable,  
34 and shall fix the rate per hour for those services. The watchers shall at all times, during their

1 employment, be subject to the control of the director [of environmental management or the director](#)  
2 [of the natural heritage program](#).

3 (2) The director of environmental management [and the director of the natural heritage](#)  
4 [program](#) may cooperate in forest protection and may enter into agreements with other states, groups  
5 of states and the federal government to provide assistance and accept assistance in the control of  
6 fires which may include training of personnel. Any employee of the department of environmental  
7 management assigned to fire control duties or training programs outside this state shall be  
8 considered the same as working inside this state for the purpose of compensation and other  
9 employee benefits.

10 (b) The general assembly shall annually appropriate, out of any money in the treasury not  
11 otherwise appropriated, in addition to any other moneys appropriated for this purpose, any sum as  
12 it may deem necessary to be expended under the direction of the department of environmental  
13 management [and the director of the natural heritage program](#) for the purpose of providing for  
14 keeping open and operating the forest fire towers in this state throughout twelve (12) months of  
15 each year and the state controller is authorized and directed to draw their orders upon the general  
16 treasurer for the payment of that sum, or so much as may be required from time to time, upon the  
17 receipt by him or her of proper vouchers approved by the director of environmental management,  
18 [or the director of the natural heritage program](#); provided that, authority is given to the director of  
19 environmental management to utilize the services of the personnel assigned to the operation of  
20 forest fire towers for other phases of the forestry, parks and parkways program, whenever, in their  
21 discretion, because of certain seasonal weather conditions, forest fire towers are not required to be  
22 staffed with a full complement of personnel.

23 [\(c\) The director of the department of environmental management and the director of the](#)  
24 [natural heritage program, depending on the jurisdiction, shall place video cameras at each forest](#)  
25 [fire tower which, during periods of the year with a higher risk of forest fire or brush fire activity,](#)  
26 [shall provide a live feed of the forest land or brush land around the forest fire towers to the director](#)  
27 [of the department of environmental management, or designee or the director of the natural heritage](#)  
28 [program, or designee, depending on the jurisdiction, for the purpose of monitoring forest fire and](#)  
29 [brush fire activity.](#)

30 [\(d\) Annual application to the general assembly by the department of environmental](#)  
31 [management and the director of the natural heritage program for appropriations shall be made to](#)  
32 [carry out the provisions of this section.](#)

33 **2-12-4. Conferences of fire chiefs and senior officers.**

34 The director of environmental management [and the director of the natural heritage program](#)

1 may, from time to time, call together the city or town and district fire chiefs and senior officers of  
2 the several cities and towns at places as he or she may designate, for conference and for instruction  
3 in methods of forest fire suppression. Fire chiefs and senior officers attending those conferences or  
4 meetings for instruction may be allowed their actual expenses incurred for attending not exceeding  
5 two (2) conferences or meetings during any one calendar year and those expenses shall be paid  
6 from the appropriation provided for by § 2-11-11 upon vouchers approved by the director of  
7 environmental management or the director of the natural heritage program.

8 **2-12-5. Rules and regulations.**

9 (a) The director of the department of environmental management or the director of the  
10 natural heritage program may make any rules and regulations, not inconsistent with law, that in ~~his~~  
11 ~~or her~~ their judgment may be helpful in carrying out the provisions of this chapter and of preventing  
12 and suppressing forest fires and brush fires.

13 (b) The director of the natural heritage program may make any rules and regulations, not  
14 inconsistent with law, that in their judgment may be helpful in carrying out the provisions of this  
15 chapter and of preventing and suppressing forest fires and brush fires in old growth forests and  
16 natural area preserves.

17 **2-12-6. Restrictions on open air fires.**

18 Except as otherwise provided in this chapter, no person shall burn any flammable material  
19 on or adjacent to forest land without a written permit from the director of the department of  
20 environmental management or, their authorized representative, on forms prepared and under rules  
21 and regulations approved by the director, provided whoever sets or maintains a permit fire shall  
22 totally extinguish the permit fire before leaving it and the director, or their authorized  
23 representative, may cancel or suspend any or all permits, if, in their opinion, public necessity  
24 requires it. Any person doing any burning on or adjacent to forest land prior to burning operations,  
25 and at all times during the continuance of these operations, shall do that work in and around the  
26 area in which the burning is done as may be required by the director by rules and regulations  
27 promulgated under the authority granted in § 2-12-5. Whoever violates the provisions of this section  
28 shall, upon conviction, be liable to a fine not exceeding ~~one hundred dollars (\$100)~~ five thousand  
29 dollars (\$5,000) nor less than ~~ten dollars (\$10.00)~~ three thousand dollars (\$3,000) or to  
30 imprisonment not exceeding ~~thirty (30)~~ ninety (90) days nor less than ten (10) days or both.

31 **2-12-7. Exemption of attended fires.**

32 The provisions of § 2-12-6 do not apply to fires set or maintained in accordance with  
33 regulations approved by the director of the department of environmental management or their duly  
34 authorized representative, regulations approved by the director of the natural heritage program,

1 [pursuant to chapter 35 of title 42 \("Administrative Procedures"\)](#), or to any act that may be done  
2 under authority given to any incorporated fire district or under the supervision of a fire chief or  
3 senior officer in which case the person requesting supervision shall pay for the actual time required  
4 for the supervision, to the city or town fire chief or senior officer, the prevailing rate per hour  
5 customarily paid to supervisory employees on construction work in the area or to burning in  
6 attended incinerators, fireplaces or rubbish burners, provided that time of burning and location of  
7 the incinerator, fireplace or rubbish burner is such that fires from any incinerator, fireplace or  
8 rubbish burner will not endanger any forest and pasture, brush, sprout, waste or cutover woodland  
9 or buildings. The provisions of § 2-12-6 shall not apply to fire chiefs and senior officers, the director  
10 of environmental management or any member of the department of environmental management  
11 authorized by him or her, when engaged in the discharge of their duties under this chapter, or to  
12 any incorporated volunteer fire company authorized in writing by the director of environmental  
13 management while engaged in ~~prevention~~ [prescribed burning](#) [except in old growth forests as](#)  
14 [defined in § 2-28-2 and natural area preserves as defined in § 42-122-3](#). Whoever sets or maintains  
15 any attended fire shall totally extinguish the attended fire before leaving it and failure to do so shall  
16 make the person, upon conviction, liable to a fine not exceeding ~~one hundred dollars (\$100)~~ [five](#)  
17 [thousand dollars \(\\$5,000\)](#) or less than ~~ten dollars (\$10.00)~~ [three thousand dollars \(\\$3,000\)](#) or to  
18 imprisonment not exceeding ~~thirty (30)~~ [ninety \(90\)](#) days nor less than ten (10) days or both, and  
19 further they shall be liable in a civil action for the payment to the state or fire company for the  
20 expenses incurred by the fire chief or senior officer or any other authorized forest fire official in  
21 attending or suppressing fire or fires as result from that burning.

22 **2-12-8. Enforcement.**

23 [\(a\)](#) The director of environmental management or any employee of the department  
24 authorized by him or her has the powers and is subject to the duties and obligations specified in  
25 chapter 7 of title 12 in dealing with any violations of the provisions of chapters 9, 10, 11, 12 and  
26 15 of title 2.

27 [\(b\)](#) [The director of the natural heritage program or any employee of the natural heritage](#)  
28 [program authorized by the director has the powers and is subject to the duties and obligations](#)  
29 [specified in chapter 7 of title 12, and in dealing with any violations of the provisions of chapters 11](#)  
30 [and 12 of title 2.](#)

31 **2-12-9. Causing of fires.**

32 (a) A person shall not:

33 (1) Dispose of a lighted match, cigarette, cigar, ashes or other flaming or glowing substance  
34 or any other substance or thing that is likely to ignite a forest, brush, grass or woods fire, or throw

1 or drop from a moving vehicle any of those objects or substances;

2 (2) Set a backfire or cause a backfire to be set, except under the direct supervision of an  
3 established fire control agency or unless it can be established that the setting of the backfire is  
4 necessary for the purpose of saving life or valuable property;

5 (3) Destroy, break down, mutilate or remove any fire control sign or poster erected by an  
6 established fire control agency in the administration of its lawful duties and authorities;

7 (4) Use or operate on or adjacent to forest land, a welding torch, tar pot, or other device  
8 which may cause a fire, without clearing flammable material surrounding the operation or without  
9 taking other precautions prescribed by the director to insure against the starting and spreading of  
10 fire;

11 (5) Operate or cause to be operated any engine, other machinery or powered vehicle not  
12 equipped with spark arresters, or other suitable devices to prevent the escape of fire or sparks; or

13 (6) Discharge or cause to be discharged a gun firing incendiary or tracer bullets or tracer  
14 charge on to or across any forest land.

15 (b) Any person who violates the provisions of this section shall, upon conviction, be  
16 punished by a fine not exceeding ~~one hundred dollars (\$100)~~ five thousand dollars (\$5,000) nor  
17 less than ~~twenty five dollars (\$25.00)~~ three thousand dollars (\$3,000) for each offense or to  
18 imprisonment not exceeding thirty (30) days, nor less than ten (10) days, or both .

19 **2-12-10. Fire upon land of another — Penalty — Liability for damages.**

20 (a) Any person being upon the land of another, or upon any highway adjacent to this land,  
21 who carelessly sets or maintains, or causes to be set or maintained, fire upon the land of another,  
22 shall, upon conviction, be punished by a fine of not less than ~~twenty five dollars (\$25.00)~~ three  
23 thousand dollars (\$3,000) nor more than ~~two hundred dollars (\$200)~~ five thousand dollars (\$5,000)  
24 or by imprisonment for not less than ten (10) days nor more than ~~thirty (30)~~ ninety (90) days, or  
25 both.

26 (b) Any person being upon the land of another or upon any highway adjacent to this land,  
27 who willfully sets or maintains or willfully causes to be set or maintained fire upon land of another,  
28 shall, upon conviction, be punished by a fine of not more than ~~two thousand dollars (\$2,000)~~ ten  
29 thousand dollars (\$10,000) nor less than ~~twenty five dollars (\$25.00)~~ five thousand dollars (\$5,000)  
30 or by imprisonment for not more than five (5) years nor less than ~~thirty (30)~~ ninety (90) days, or  
31 both.

32 (c) Any person who carelessly suffers or permits any fire on their own land to extend  
33 beyond the limits of their own land, whereby the forest land or property of another are damaged  
34 shall upon conviction be punished by a fine of not more than ~~two hundred dollars (\$200)~~ five

1 thousand dollars (\$5,000) nor less than ~~twenty five dollars (\$25.00)~~ three thousand dollars  
2 (\$3,000).

3 (d) Any person convicted of the provisions of this section and of § 2-12-6 is liable for all  
4 damages caused and to civil action for the payment to the state or local fire company for all  
5 expenses incurred by the fire chief or senior officer or any other authorized forest fire official in  
6 attending or suppressing the fire or fires as a result from that action.

7 **2-12-11. Fire fighting by fire chiefs and senior officers — Summons of assistance.**

8 If a fire occurs in woodland, the fire chief, and the senior officer of the district in which the  
9 fire occurs, shall immediately take any measures that may be necessary, including backfiring and  
10 plowing, to control or extinguish the fire, and shall investigate the causes of fire, the person or  
11 persons responsible if the fire was human caused and report the causes to the director of  
12 environmental management or the director of the natural heritage program. Any fire chief or senior  
13 officer has the authority to summon any use of bulldozers, trucks, and other property adapted to the  
14 purpose. Any person who refuses or neglects to assist or to allow the use of the bulldozers, trucks  
15 or other property required, is liable to a fine of not more than ~~one hundred dollars (\$100)~~ five  
16 hundred dollars (\$500). All active members of an organized fire department shall be called as a  
17 unit only, the unit coming under the authority of the officer in charge of the fire department. The  
18 fire chief or senior officer in charge of a fire shall keep an account of the time of all persons assisting  
19 him or her, and a schedule of all property used.

20 **2-12-12. Posting of statutory provisions.**

21 (a) Notices containing a statement of §§ 2-12-6, 2-12-8, 2-12-10 — 2-12-12, and § 2-12-  
22 19, furnished by the director of the department of environmental management, shall be posted in  
23 suitable places by the fire chief.

24 (b) Notices containing a statement of §§ 2-12-8, 2-12-12, and 2-12-19, furnished by the  
25 director of the natural heritage program, shall be posted in suitable places by the fire chief.

26 **2-12-13. Proclamation of hazardous conditions — Closing of forests.**

27 (a) Whenever in their opinion an unusual forest fire hazard exists, the director of  
28 environmental management shall notify the governor, who has the authority to forbid by  
29 proclamation, any person or persons entering forests, woodlands or open lands in any parts of the  
30 state that he or she deems the public interest requires, and may by that proclamation suspend any  
31 woods operations and open season for taking fish, birds and quadrupeds. Whenever in the director's  
32 opinion an unusual forest fire hazard exists, the director of the natural heritage program shall notify  
33 the governor, who has the authority to forbid by proclamation, any person or persons entering old  
34 growth forests or natural area preserves in any parts of the state that the governor deems the public



1 [interest requires](#). The proclamation shall be in full force and effect immediately after notice is given  
2 in the manner the governor may determine, and shall remain in force until rescinded by the  
3 governor. This does not prevent entry into forest or woodland areas by forest fire suppression  
4 agents, law enforcement agents, legal residents of those areas or persons engaged in pursuits  
5 necessary to the public health and welfare or, by any agency or person authorized by the state  
6 director of environmental management [or the director of the natural heritage program](#).

7 (b) Any authorized representative or representatives of the director of environmental  
8 management, [any authorized representative or representatives of the director of the natural heritage](#)  
9 [program](#), as well as state and local police authorities, shall enforce the provisions of the  
10 proclamation. Any person or persons violating any of the provisions of this section shall be liable  
11 to a fine of not more than ~~fifty dollars (\$50.00)~~ [five hundred dollars \(\\$500\)](#) or imprisonment for  
12 not more than ten (10) days.

### 13 **2-12-15. Emergency powers of director.**

14 Whenever, in their opinion, an unusual forest fire hazard exists, the governor shall in  
15 writing, notify the director of environmental management, and shall likewise notify the director  
16 when in their opinion the hazard has ceased to exist. Between the dates of the receipt by him or her  
17 of the notices, the director has full charge of the hazard and all fire chiefs and senior officers shall  
18 obey their orders or those of their authorized representatives; and he ~~and~~ [or](#) she and their authorized  
19 representatives shall have all the powers of fire chiefs and senior officers and the director of the  
20 department of environmental management may establish rates of payment for equipment used in  
21 the prevention and suppression of forest fires [and brush fires, except in old growth forests as defined](#)  
22 [in § 2-28-2 and natural area preserves as defined in § 42-122-3 which are the responsibility of the](#)  
23 [director of the natural heritage program](#). Any time during this period of unusual forest fire hazard,  
24 the director may prohibit, by a written directive filed with the secretary of state and by public  
25 announcement, all open air fires and any other activity conducted in the open air that creates a  
26 forest or ~~wildland~~ [brush land](#) fire hazard, in any areas of the state that he or she deems necessary to  
27 protect the health and property of the people of the state. Any person, firm or corporation who  
28 violates a directive, upon conviction, shall be liable to a fine not exceeding ~~three hundred dollars~~  
29 ~~(\$300)~~ [five thousand dollars \(\\$5,000\)](#) nor less than ~~fifty dollars (\$50.00)~~ [three thousand dollars](#)  
30 [\(\\$3,000\)](#) or not exceeding ninety (90) days nor less than thirty (30) days' imprisonment or both for  
31 each offense and each day shall be considered a separate offense.

### 32 **2-12-16. Compensation of emergency fire fighters.**

33 Between the dates the state shall, upon vouchers approved by the director of environmental  
34 management and out of the appropriation provided for by § 2-11-11, pay fully, at the rate of the

1 existing minimum wage per hour as set by the minimum wage law, all persons not resident of the  
2 city or town or fire district where they are employed by the director in fighting a forest fire. Between  
3 the dates the state shall, upon vouchers approved by the director of environmental management or  
4 the director of the natural heritage program and out of the appropriation provided for by § 2-11-11,  
5 ~~and~~ pay, at a rate prescribed by the director of environmental management or the director of the  
6 natural heritage program for all equipment and supplies coming from outside the city or town or  
7 fire district where they are to be used and authorized by the director in fighting forest fires but all  
8 other expenses shall be paid as provided in § 2-11-6. The expense of the authorized representatives  
9 of the director of environmental management and the director of the natural heritage program shall  
10 be paid out of the appropriation authorized by § 2-11-11.

11 **2-12-17. Right of fire fighters and officials to enter land.**

12 No action of trespass shall lie against any person crossing or working upon the land of  
13 another to extinguish fire or to the director of environmental management or the director of the  
14 natural heritage program or their representatives from crossing or working upon lands of another  
15 to investigate fire.

16 **2-12-19. Enforcement and prosecutions.**

17 (a) It is the duty of the director of the department of environmental management or their  
18 duly authorized representative to enforce the provisions of this chapter and chapter 11 of this title,  
19 except the provisions enforced by the natural heritage program as set forth in this chapter, and to  
20 prosecute any person, firm or corporation who, in their opinion, is guilty of the violation of any of  
21 the provisions of this chapter and in all prosecutions the director or their authorized representative  
22 is not required to enter into any recognizance or to give surety for costs. It is the duty of the attorney  
23 general to conduct the prosecution brought by the director under the provisions of this chapter and  
24 chapter 11 of this title.

25 (b) It is the duty of the director of the natural heritage program or the director's duly  
26 authorized representative to enforce the provisions of this chapter and chapter 11 of this title, except  
27 for the provisions enforced by the director of the department of environmental management, as set  
28 forth in this chapter, and to prosecute any person, firm or corporation who, in their opinion, is guilty  
29 of the violation of any of the provisions of this chapter and in all prosecutions the director of the  
30 natural heritage program or their authorized representative is not required to enter into any  
31 recognizance or to give surety for costs. It shall be the duty of the attorney general to conduct the  
32 prosecution of any violation brought by the director of the natural heritage program under the  
33 provisions of this chapter and chapter 11 of this title.

34 **2-12-21. Collection of fire suppression charges.**

1 (a) In lieu of any civil action that may be brought for the payment to the state or fire  
2 company for expenses incurred by a fire chief or senior officer, or authorized forest fire official in  
3 attending and suppressing a forest fire, the director of the department of environmental  
4 management, or their authorized representative, the director of the natural heritage program or their  
5 duly authorized representative or the fire company jurisdiction or fire district in which the fire  
6 occurs, may submit to and collect from the person, firm, corporation or public agency causing the  
7 fire all charges for forest fire suppression costs. In the event those charges are submitted by a fire  
8 company or fire district to collect for suppression costs to any person, firm, corporation or public  
9 agency causing the fire, no payment shall be made by the state to the fire company or fire district  
10 as provided in §§ 2-11-6, 2-12-6 and 2-12-16. Within seven (7) days after the date of the fire, any  
11 fire chief of a fire company or fire district affected shall notify the director of the department of  
12 environmental management and the director of the natural heritage program of their intention to  
13 submit suppression charges to any person, firm or corporation.

14 (b) All suppression charges recovered by the department of environmental management  
15 shall be turned over to the general treasurer for the use of the state and a proper record shall be  
16 made of these suppression charges recovered.

17 SECTION 5. Chapter 2-12 of the General Laws entitled "Forest Fires and Prevention" is  
18 hereby amended by adding thereto the following sections:

19 **2-12-22. Restrictions on open air fires in old growth forests and natural area**  
20 **preserves.**

21 (a) No person shall burn any flammable material on or adjacent to old growth forests on  
22 state-owned land, and land owned by the cities and towns, as defined in § 2-28-2.

23 (b) Old growth forests are more resistant to wildfires containing less flammable underbrush  
24 and wood slash, having less overcrowded trees, and mitigating wind and containing a wetter, cooler  
25 forest floor due to the massive tree canopy. To ensure the preservation of these natural fire  
26 suppressors, old growth forests shall be protected in their natural state.

27 (c) No person shall burn any flammable material on or adjacent to a natural area preserve  
28 as defined in § 42-122-3.

29 (d) Any person who violates the provisions of this section shall, upon conviction, be  
30 punished by a fine not exceeding five thousand dollars (\$5,000) nor less than three thousand dollars  
31 (\$3,000) for each offense or to imprisonment not exceeding ninety (90) days nor less than ten (10)  
32 days or both.

33 **2-12-23. Prescribed burning.**

34 All prescribed burning on state-owned land is subject to the approval of the natural heritage

1 program which shall determine whether the prescribed burning is necessary and safe based on the  
2 research from the United States Forest Service Fire Science Research Laboratory in Missoula,  
3 Montana, and the state's land history according to the ecologists in the natural heritage program.  
4 The natural heritage program shall be notified of the prescribed burning operation no less than three  
5 (3) months in advance. All documents pertaining to the prescribed burning operation shall be turned  
6 over to the natural heritage program at the same time as the initial notice.

7 **2-12-24. Fire department access roads.**

8 (a) The department of transportation shall monitor the infrastructure of fire department  
9 access roads, and, in coordination with the department of environmental management, shall  
10 maintain the fire department access roads, to ensure they are safe and can support vehicles and  
11 equipment used by fire departments.

12 (b) Annual application to the general assembly by the department of transportation and the  
13 department of environmental management for appropriations shall be made to carry out the  
14 provisions of this section.

15 **2-12-25. Removal of wood slash, underbrush, and downed trees from existing fire**  
16 **breaks.**

17 (a) The department of environmental management shall be required to regularly remove all  
18 wood slash and underbrush except fire-resistant vegetation growing in existing fire breaks for brush  
19 fire prevention, as well as remove any downed trees in fire breaks obstructing vehicle access to the  
20 fire breaks.

21 (b) Annual application to the general assembly by the department of environmental  
22 management for appropriations shall be made to carry out the provisions of this section.

23 **2-12-26. Fire-resistant state-owned buildings in areas near forest land or brush land.**

24 Efforts shall be made by the state in future construction of state-owned buildings near forest  
25 land or brush land to make the structures fire-resistant by constructing the buildings using fire  
26 resistant materials.

27 **2-12-27. Fire-resistant perimeter around state-owned and municipal owned buildings.**

28 (a) To prevent fires from reaching state-owned and municipal owned buildings near forest  
29 land or brush land, the state agency or municipal agency responsible for a state-owned or municipa  
30 l-owned building near forest land or brush land shall create a fire-resistant perimeter around the  
31 building. State agencies and municipal agencies shall:

32 (1) Clear leaves and other debris from gutters, eaves, porches and decks in order to prevent  
33 embers from igniting the building.

34 (2) Remove dead vegetation and other items from under the deck or porch of the building.

1 and within ten feet (10') of the building.

2 (3) Screen or box-in areas below patios and decks with wire mesh to prevent debris and  
3 combustible materials from accumulating.

4 (4) Remove flammable materials including firewood stacks and propane tanks within thirty  
5 feet (30') of the building's foundation and outbuildings, including garages and sheds.

6 (5) Keep the lawn hydrated and maintained. If it is brown, cut it down to reduce fire  
7 intensity as dry grass and shrubs are fuel for wildfire.

8 (6) Dispose of debris and lawn cuttings to reduce fuel for fire.

9 (7) Inspect shingles or roof tiles, and replace or repair those that are loose or missing to  
10 prevent ember penetration. When appropriate, replace the old roof with a roof constructed of  
11 fireproof materials.

12 (8) Cover exterior attic vents with metal wire mesh no larger than one-eighth inch (1/8")  
13 to prevent sparks from entering the building.

14 (9) Enclose under-eave and soffit vents or screens with metal mesh to prevent ember entry.

15 (b) Annual application to the general assembly by state agencies and municipal agencies  
16 for appropriations shall be made to carry out the provisions of this section.

17 **2-12-28. Assistance from the department of environmental management to owners**  
18 **and occupants to create a fire-resistant perimeter around their dwelling.**

19 (a) To prevent fires from reaching private homes and other buildings near forest land or  
20 brush land, the department of environmental management shall assist owners and occupants, upon  
21 request, to create a fire-resistant perimeter around their dwelling by recommending the following:

22 (1) Clear leaves and other debris from gutters, eaves, porches and decks, in order to prevent  
23 embers from igniting the building.

24 (2) Remove dead vegetation and other items from under the deck or porch of the building,  
25 and within ten feet (10') of the building.

26 (3) Screen or box-in areas below patios and decks with wire mesh to prevent debris and  
27 combustible materials from accumulating.

28 (4) Remove flammable materials including firewood stacks and propane tanks within thirty  
29 feet (30') of the building's foundation and outbuildings, including garages and sheds.

30 (5) Keep the lawn hydrated and maintained. If it is brown, cut it down to reduce fire  
31 intensity, as dry grass and shrubs are fuel for wildfire.

32 (6) Dispose of debris and lawn cuttings to reduce fuel for fire.

33 (7) Inspect shingles or roof tiles, and replace or repair those that are loose or missing to  
34 prevent ember penetration. When appropriate, replace the old roof with a roof constructed of

1 [fireproof materials.](#)

2 [\(8\) Cover exterior attic vents with metal wire mesh no larger than one-eighth inch \(1/8"\)](#)  
3 [to prevent sparks from entering the building.](#)

4 [\(9\) Enclose under-eave and soffit vents or screens with metal mesh to prevent ember entry.](#)

5 [\(b\) Annual application to the general assembly by the department of environmental](#)  
6 [management for appropriations shall be made to carry out the provisions of this section.](#)

7 **2-12-29. Prohibition on boulders blocking access areas to forest land and brush land**  
8 **on state-owned land, municipal owned land, and private conservation land.**

9 [In access areas to forest land and brush land on state-owned land, municipal-owned land,](#)  
10 [and private conservation land which are blocked by boulders, the department of environmental](#)  
11 [management shall remove all boulders obstructing access and replace the boulders with a gate. This](#)  
12 [removal is to ensure that obstructing boulders do not constitute an obstacle for fire fighters from](#)  
13 [reaching a forest fire or brush fire.](#)

14 SECTION 6. Sections 2-11-1, 2-11-2, 2-11-4, 2-11-5, 2-11-7 and 2-11-11 of the General  
15 Laws in Chapter 2-11 entitled "Forest Fire Personnel" are hereby amended to read as follows:

16 **2-11-1. Definitions.**

17 For the purpose of this chapter:

18 (1) "Authorized representative" means anyone recognized and/or appointed and/or  
19 commissioned by the director of the department of environmental management [or the director of](#)  
20 [the natural heritage program](#) to exercise and pursue the laws, rules and regulations intended by this  
21 chapter.

22 (2) "Authorized senior officer" means a member of a fire organization who is authorized  
23 by the fire chief to issue burning permits.

24 (3) "Director" means the director of the department of environmental management.

25 [\(4\) "Director of the natural heritage program" means the director of the natural heritage](#)  
26 [program established pursuant to 42-166-1.](#)

27 ~~(4)~~(5) "Fire chief" means the elected, appointed, designated or recognized leader and  
28 member of a fire organization.

29 ~~(5)~~(6) "Flammable material" means any substance that will burn, including, but not limited  
30 to, refuse, debris, waste, forest material, brush, stumps, logs, rubbish, fallen timber, grass, stubble,  
31 leaves, fallow land, slash crops or crop residue.

32 ~~(6)~~(7) "Forest fire" or ~~"Wildland fire"~~ ["brush fire"](#) means any fire occurring on forest land  
33 or ~~wildland~~ [brush land](#).

34 ~~(7)~~(8) "Forest land" or ~~"Wildland fire"~~ ["brush land"](#) means timbered land, potential timber

1 producing land, cutover or burned timber land or grass lands not including lands devoted to  
2 agriculture.

3 ~~(8)~~(9) "Person" means any individual, corporation, partnership, association, municipality,  
4 other public body, legal entity, employee or agent of the person.

5 ~~(9)~~(10) "Senior officer" means a member of a fire organization who would be next in  
6 command during the absence of the fire chief.

7 **2-11-2. Designation of fire chief, senior officer, and forest fire district.**

8 The local chief shall be elected, appointed, or designated by the procedure established and  
9 within the framework spelled out in the fire company or fire district, city or town charter, by-laws,  
10 constitution, or any other existing format for appointment of a fire chief. The fire chief's term of  
11 office is recognized as that which is spelled out in the fire company or fire district, city or town  
12 charter, by-laws, constitution, or any other existing format for such term of appointment. The fire  
13 chief elected, appointed, or designated shall forthwith notify the director of the department of  
14 environmental management [and the director of the natural heritage program](#) of the election,  
15 appointment, or designation and shall further notify the director of their specific forest fire district  
16 and jurisdiction. The director [of the department of environmental management and the director of](#)  
17 [the natural heritage program](#) may then enter into agreements with each fire chief and fire company  
18 to provide assistance and to accept assistance in the prevention and control of forest fires [and brush](#)  
19 [fires](#) and enforcement of forest fire laws that may include training of personnel. It is the  
20 responsibility of the city or town council to appoint a qualified resident to forest fire chief and to  
21 designate a forest fire company for any portion of the city or town not protected by an existing fire  
22 chief and fire company. If the city or town council of any city or town shall fail to appoint a fire  
23 chief as required by this section, the director of the department of environmental management shall  
24 appoint some qualified resident of the city or town to act as fire chief until an appointment shall be  
25 made by the city or town council as provided in this section. In any fire company or fire district,  
26 the fire chief shall establish and define their forest fire district and jurisdiction and shall designate  
27 a qualified resident of each district to serve as authorized senior officer. Any designated senior  
28 officer shall serve at the pleasure of the fire chief by whom he or she was designated. A fire chief  
29 shall notify the director of the department of environmental management of each authorized senior  
30 officer designated by him or her, and of each removal from designation by him or her, forthwith  
31 upon the designation or removal.

32 **2-11-4. Patrols during drought.**

33 During a period of drought, the local fire chief or senior officer in the fire company may  
34 require and request their fire personnel to patrol their districts, provided approval for the patrolling

1 is first obtained from the director of the department of environmental management [or the director](#)  
2 [of the natural heritage program, depending on the jurisdiction](#) and the expenses for the patrolling  
3 are paid at the same rate and in the same way as for fighting fires.

4 **2-11-5. Reports of fires.**

5 Within two (2) weeks after any forest fire, the local fire chief of the local fire district in  
6 which the fire occurs shall mail a report of the fire to the director of the department of environmental  
7 management [and the director of the natural heritage program](#) using the printed form furnished for  
8 that purpose. In case any local fire chief fails to make the report as required by this section, or the  
9 local fire chief fails to transmit a copy of the itemized account as provided in § 2-11-6, the fire  
10 department or fire district shall not receive from the state the payment due under § 2-11-6 for  
11 extinguishing the fire.

12 **2-11-7. Incidental expenses.**

13 The clerical work, posters, signs, printed matter and other supplies furnished by the director  
14 of the department of environmental management [and the director of the natural heritage program](#)  
15 under this chapter and chapter 12 of this title, may be paid for out of the appropriation made as  
16 prescribed in § 2-11-11; provided, that any fire company, district, or any city or town may pay for  
17 any additional service for the prevention or extinguishment of forest fires [and brush fires](#) that the  
18 fire company, district, or city or town council may authorize.

19 **2-11-11. State appropriations.**

20 The general assembly shall annually appropriate any sums that it may deem necessary in  
21 carrying out the provisions of this chapter and chapter 12 of this title and the state controller is  
22 authorized and directed to draw their orders upon the general treasurer for the payment of the sums  
23 appropriated, or so much of the sums as may be required, upon receipt by him or her of proper  
24 vouchers approved by the director of environmental management [and the director of the natural](#)  
25 [heritage program](#).

26 SECTION 7. Sections 42-6.2-1, 42-6.2-2 and 42-6.2-3 of the General Laws in Chapter 42-  
27 6.2 entitled "2021 Act on Climate" are hereby amended to read as follows:

28 **42-6.2-1. Climate change coordinating council — Creation — Members.**

29 There is hereby established within the executive branch of state government a Rhode Island  
30 executive climate change coordinating council (the "council") comprised of officials from state  
31 agencies with responsibility and oversight relating to assessing, integrating, and coordinating  
32 climate change efforts. The council shall include, but not be limited to, the following members: the  
33 director of the department of environmental management; the executive director of the coastal  
34 resources management council; the director of the department of administration; the director of the



1 department of transportation; the director of the department of health; the director of the emergency  
2 management agency; the commissioner of the office of energy resources; the director of the  
3 division of planning; the executive director of the Rhode Island infrastructure bank; the  
4 administrator of the division of public utilities and carriers; the chief executive officer of the Rhode  
5 Island public transit authority; the secretary of the executive office of health and human services;  
6 ~~and~~ the secretary of the Rhode Island commerce corporation [and the director of the natural heritage](#)  
7 [program](#).

8 **42-6.2-2. Purpose of the council.**

9 (a) The council shall have the following duties:

10 (1) Assess, integrate, and coordinate climate change efforts throughout state agencies to  
11 reduce emissions, strengthen the resilience of communities and infrastructure, and prepare for the  
12 effects on climate change, including, but not limited to, coordinating vulnerability assessments  
13 throughout state government;

14 (2)(i) No later than December 31, 2025, and every five (5) years thereafter, submit to the  
15 governor and general assembly an updated plan, following an opportunity for public comment, that  
16 includes strategies, programs, and actions to meet economy-wide enforceable targets for  
17 greenhouse gas emissions reductions as follows:

18 (A) Ten percent (10%) below 1990 levels by 2020;

19 (B) Forty-five percent (45%) below 1990 levels by 2030;

20 (C) Eighty percent (80%) below 1990 levels by 2040;

21 (D) Net-zero emissions by 2050.

22 No action shall be brought pursuant to: subsection (a)(2)(i)(B) of this section before 2031,  
23 pursuant to subsection (a)(2)(i)(C) of this section before 2041, and pursuant to subsection  
24 (a)(2)(i)(D) of this section before 2051.

25 (ii) The plan shall also include procedures and public metrics for periodic measurement,  
26 not less frequently than once every five (5) years, of progress necessary to meet these targets and  
27 for evaluating the possibility of meeting higher targets through cost-effective measures.

28 (iii) The plan shall address in writing the annual input that is provided to the council by its  
29 advisory board, as set forth in § 42-6.2-4, and its science and technical advisory board, as set forth  
30 in § 42-6.2-5, in their reports to the council.

31 (iv) If a plan directs an agency to promulgate regulations, then the agency must do so by  
32 either issuing an advance notice of proposed rulemaking, as set forth in § 42-35-2.5, no later than  
33 six (6) months after the plan is released or by issuing a notice of proposed rulemaking, as set forth  
34 in § 42-35-2.7, no later than one year after the plan is released, unless the plan specifies another

1 timeframe for an advance notice of rulemaking or a notice of rulemaking.

2 (v) The plan shall include an equitable transition to climate compliance for environmental  
3 justice populations, redress past environmental and public health inequities, and include a process  
4 where the interests of and people from populations most vulnerable to the effects of climate change  
5 and at risk of pollution, displacement, energy burden, and cost influence such plan.

6 (vi) The plan shall identify support for workers during this equitable transition to address  
7 inequity in the state by creating quality and family-sustaining clean energy jobs that pay wages and  
8 benefits consistent with or that exceed area wage and labor standards. The plan shall provide for  
9 the development of programs that directly recruit, train, and retain those underrepresented in the  
10 workforce, including women, people of color, indigenous people, veterans, formerly incarcerated  
11 people, and people living with disabilities.

12 (vii) The plan shall include strategies, programs, and actions, to reduce deforestation,  
13 transition away from ecologically destructive logging practices such as clearcutting that results in  
14 deforestation and the release of carbon emissions, and protect forests in their natural state in order  
15 to allow them to develop into old growth forests to have maximum carbon storage.

16 ~~(vii)~~(viii) The requirements under this subsection shall be subject to the enforcement  
17 provisions of § 42-6.2-10 effective in 2026.

18 ~~(viii)~~(ix) No later than December 31, 2022, the council shall submit to the governor and  
19 the general assembly an update to the greenhouse gas emission's reduction plan dated "December  
20 2016" which shall not be subject to the requirements of subsections (a)(2)(ii) through (a)(2)(vi) of  
21 this section. No action shall be brought pursuant to subsection (a)(2)(viii) of this section before  
22 2023;

23 (3) Advance the state's understanding of the effects on climate change including, but not  
24 limited to: sea level rise; coastal and shoreline changes; severe weather events; critical  
25 infrastructure vulnerability; food security; and ecosystem, economic, and health impacts, including  
26 the effects of carbon pollution on children's health;

27 (4) Identify strategies to prepare for these effects and communicate them to Rhode  
28 Islanders, including strategies that incentivize businesses, institutions, and industry to adapt to  
29 climate change;

30 (5) Work with municipalities to support the development of sustainable and resilient  
31 communities;

32 (6) Identify and leverage federal, state, and private funding opportunities for emission  
33 reduction and climate change preparedness and adaptation work in Rhode Island;

34 (7) Advise the governor, the general assembly, and the public on ways to ensure that Rhode

1 Island continues to be a national leader in developing and implementing strategies that effectively  
2 address the challenges on climate change;

3 (8) Work with other New England states to explore areas of mutual interest to achieve  
4 common goals; and

5 (9) Identify and facilitate opportunities to educate the public about climate change and  
6 efforts throughout state agencies and municipalities to address climate change.

7 (b) The council is encouraged to utilize the expertise of Rhode Island universities and  
8 colleges in carrying out the duties described in subsection (a) of this section, specifically to ensure  
9 that the state's efforts to mitigate and adapt to climate change are based on the best available  
10 scientific and technical information, and to optimize the contribution by the universities and  
11 colleges of their expertise and experience in research, analysis, modeling, mapping, applications to  
12 on-the-ground situations, technical assistance, community outreach, and public education.

13 **42-6.2-3. Support for the council.**

14 To support the council's work, state agencies shall:

15 (1) Assist the council in implementing the provisions of this chapter;

16 (2) Develop short- and long-term greenhouse gas emission reduction strategies and track  
17 the progress of these strategies;

18 (3) Lead by example and, to the maximum extent feasible, purchase alternative fuel, hybrid,  
19 and electric vehicles that produce lower total emissions of greenhouse gases and develop programs  
20 to encourage state employees to reduce their vehicle miles and use sustainable transportation  
21 alternatives, including public transit systems;

22 (4) Implement programs to achieve energy savings in state and municipal buildings to  
23 reduce greenhouse gases, reduce expenditures on energy, and stimulate economic and job  
24 development;

25 (5) Increase the deployment of in-state generation of renewable energy and energy  
26 efficiency;

27 (6) Support efforts to expand Rhode Island's green economy and develop green  
28 infrastructure;

29 (7) Assess the vulnerability of infrastructure and natural systems, including, but not limited  
30 to, roads, bridges, dams, and wastewater and drinking water treatment facilities, and riverine and  
31 coastal habitats, to impacts on climate change and implement strategies to relocate or protect and  
32 adapt these assets;

33 (8) Work with relevant academic institutions and federal agencies to assess the threats of  
34 sea level rise, erosion, and storm surge, and communicate these assessments and threats, along with

1 potential tools to address them, to state agencies and affected communities;

2 (9) Develop plans, policies, and solutions based on the latest science to ensure the state  
3 continues to have a vibrant coastal economy, including protection of critical infrastructure, and a  
4 vibrant and resilient food system that can provide affordable access to healthy food for all Rhode  
5 Islanders;

6 (10) Address recommendations to reduce health impacts associated with climate change  
7 and protect the populations most vulnerable to the effects of climate change and at risk of pollution,  
8 displacement, energy burden, and cost;

9 (11) Encourage municipalities to incorporate climate change adaptation into local hazard  
10 mitigation plans and, when feasible, into hazard mitigation projects;

11 (12) Take affirmative steps to eliminate and avoid duplication of effort through consistent  
12 coordination between agencies and programs, and pooling of resources, so as to make the most  
13 cost-efficient use of the state resources and provide the most effective services; ~~and~~

14 (13) Foster public transparency by developing public metrics and an online public  
15 dashboard that shall track both emissions reductions and sources of energy consumed by the state.  
16 The metrics and the dashboard shall be updated at least annually; and

17 (14) Take affirmative steps to reduce deforestation, transition away from ecologically  
18 destructive logging practices such as clearcutting that results in deforestation and the release of  
19 carbon emissions, and protect forests in their natural state in order to allow them to develop into  
20 old growth forests to have maximum carbon storage.

21 SECTION 8. Sections 42-122-3, 42-122-5, 42-122-6 and 42-122-7 of the General Laws in  
22 Chapter 42-122 entitled "Natural Areas Protection Act of 1993" are hereby amended to read as  
23 follows:

24 **42-122-3. Definitions.**

25 As used in this chapter:

26 (1) "Director" means the director of ~~the department of environmental management~~ the  
27 natural heritage program of the state of Rhode Island.

28 (2) "Natural area preserve" means areas of most environmentally sensitive land and/or  
29 water containing habitat suitable for plant or animal life or geological features of biological,  
30 scientific, educational, geological, paleontological, or scenic value worthy of preservation in its  
31 natural condition which has been approved by the director.

32 **42-122-5. Procedure for designation of non-state owned land as a natural area**  
33 **preserve.**

34 (a) The director may approve non-state owned land as a natural area preserve ~~only upon~~

1 ~~the recommendation of the natural heritage preservation commission (established under § 42-17.5-~~  
2 ~~4) and only~~ after a public hearing and upon notice. The notice required under this section shall set  
3 forth a description of the proposed action, including a description of the land to be offered, and the  
4 time and place of the hearing. The notice shall conform to the requirements of § 42-35-1 et seq.

5 (b) The natural heritage ~~preservation commission~~ program shall review requests from  
6 municipalities, private land conservation organizations, and private landowners desiring  
7 designation of a parcel of land as a natural area preserve, ~~and make recommendations to the~~  
8 ~~director~~. Any request must include the written consent of the private landowner before any review  
9 shall commence. ~~In making recommendations, it shall be guided by the natural heritage program~~  
10 ~~and other relevant sources of information about critical environmental resources. The natural~~  
11 ~~heritage preservation commission may also, on its own initiative, make recommendations for~~  
12 ~~designation of areas to the director.~~

13 (c) To be designated a natural area preserve the property owner must voluntarily grant to  
14 the state of Rhode Island a conservation easement, which shall include the reasons for the  
15 designation, and prepare a management plan for the preserve that defines the methods by which the  
16 educational, scientific, biological, geological, paleontological, and/or scenic purposes of the  
17 designation shall be carried out. The conservation easement shall be recorded in the land evidence  
18 records in the city or town where the parcel is located.

19 (d) In areas under the jurisdiction of the coastal resource management council (CRMC),  
20 the director shall coordinate with the CRMC areas to be proposed for inclusion within the program.

21 **42-122-6. Procedures for designation of state-owned land as a natural area preserve.**

22 (a) A request for designation of state-owned land as a natural area preserve shall be made  
23 to the director, that request specifying the area to be designated, the reasons for the designation, the  
24 proposed management strategy necessary to protect the critical environmental resources within the  
25 area, and the changes that would be required in current management practices. The request for  
26 designation may be made by ~~the director of~~ any state agency for any parcel of land under the  
27 agency's control. The natural heritage program shall review requests from private land conservation  
28 organizations and private individuals desiring designation of a parcel of state-owned land as a  
29 natural area preserve. For state-owned land, the director may also designate a natural area preserve  
30 without a request for designation.

31 (b) The director may approve the designation of state-owned land as a preserve only after  
32 consultation with the managing agency, and after a public hearing. Notice requirements for the  
33 public hearing shall be the same as required under § 42-122-5(a). Before a preserve is designated,  
34 a management plan must be approved by the director ~~and adopted by the department managing the~~

1 ~~preserve.~~

2 **42-122-7. Designation as a natural area preserve.**

3 An area designated as a natural area preserve is declared to be put to its highest, best and  
4 most important use for public benefit and no interest in this preserve owned by the state shall be  
5 alienated or put to any use other than as a natural area preserve, ~~except upon a finding by the director~~  
6 ~~in consultation with the natural heritage preservation commission, that the qualifying features of~~  
7 ~~the land have been destroyed or irretrievably damaged and that the public purposes of the~~  
8 ~~designation have been utterly frustrated.~~

9 ~~Any finding the director is required to make under this section shall be made only after a~~  
10 ~~public hearing and upon notice. The notice required by this section shall set forth the substance of~~  
11 ~~the proposed action and describe, with or without legal description, the area affected and shall set~~  
12 ~~forth the time and place of the hearing and shall be published at least twice (2) a week for three (3)~~  
13 ~~successive weeks before the hearing in a newspaper published in the county where the property is~~  
14 ~~located and in a newspaper with statewide distribution. No finding, which the director is required~~  
15 ~~to make, shall be effective until the finding has been published. No action shall be taken by the~~  
16 ~~state pursuant to the finding prior to the expiration of sixty (60) days after the finding becomes~~  
17 ~~effective. During the sixty (60) day period, any finding may be appealed by any resident of this~~  
18 ~~state in a suit brought against the director in the superior court for the judicial district of Providence.~~  
19 ~~In any action, the court shall vacate the finding if it finds the director acted arbitrarily or illegally~~  
20 ~~in making the finding. During the pendency of an appeal the state shall take no action pursuant to~~  
21 ~~the findings of the director.~~

22 SECTION 9 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  
PROTECTION ACT

\*\*\*

1           This act would create a statutory framework designed to protect our forests and  
2 biodiversity. This act would also prohibit logging in old growth forests and in the natural area  
3 preserves when they are created. It would further require the newly created natural heritage program  
4 to perform inventories of areas set to be logged by the department of environmental management  
5 (DEM) to ensure no old growth forest, rare forest ecosystem, natural heritage area, or rare or  
6 endangered species are disturbed. This act would raise the penalties for disposing of lit smoking  
7 material or causing a brushfire from a \$25.00 fine to a felony.

8           This act would take effect upon passage.

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