

2021 -- S 0470 SUBSTITUTE A

LC002318/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO AGRICULTURE AND FORESTRY

Introduced By: Senators Ciccone, Valverde, Lombardo, Euer, Calkin, Kallman, Acosta,  
DiMario, and Bell

Date Introduced: March 04, 2021

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 27

4 FOREST CONSERVATION ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

25 As used in this chapter:

26 (1) "Department" means the department of environmental management.

27 (2) "Director" means the director of the department of environmental management, unless  
28 otherwise specified.

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

33 (4) "Forest conservation commission" or "commission" means the commission established  
34 pursuant to § 2-27-3.

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

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

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

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

11           **2-27-3. Forest conservation commission.**

12           (a)(1) There is established the forest conservation commission consisting of the directors  
13 of the department of environmental management and the department of administration, or their  
14 respective designees; and nine (9) public members to be appointed by the director of the department  
15 of environmental management. The public appointees shall include at least one member with  
16 knowledge or experience in forestry, one member with knowledge or experience with urban and  
17 community forestry, one member familiar with land use and community planning issues, one  
18 member active in land preservation, one member representing forest landowners, one member  
19 representing an environmental organization, one member with knowledge of forest habitat and one  
20 member representing a forest products business. No person shall be eligible for appointment  
21 pursuant to this section unless he or she is a resident of this state.

22           (2) The members shall serve for terms of five (5) years each; provided, however, that of  
23 the members first appointed, one shall serve for one year, one shall serve for two (2) years, one  
24 shall serve for three (3) years, one shall serve for four (4) years, and the remaining members shall  
25 serve for five (5) years, from January first next succeeding their appointment, as the director shall  
26 designate.

27           (3) Any vacancy occurring otherwise than by expiration of term shall be filled in the same  
28 manner as the original appointment.

29           (4) Upon expiration of a member's term, that member shall continue as a member until that  
30 member's successor is appointed and qualified. Any person serving a term shall be eligible for  
31 appointment.

32           (5) No member, including ex officio members, shall receive compensation for the  
33 performance of his or her duties as a member; provided, however, that each appointed member may  
34 be reimbursed if funds are appropriated for his or her actual and necessary expenses incurred during

1 the performance of his or her official duties.

2 (6) The commission shall designate annually from its members a chairperson and a vice  
3 chairperson.

4 (7) Whenever public hearings are required under this chapter, or whenever the commission  
5 determines a public hearing is appropriate, the commission shall use reasonable efforts to hold  
6 those hearings at a place or places that will reasonably accommodate the interested parties.

7 (8) Seven (7) voting members of the commission shall constitute a quorum for the  
8 transaction of any business or the exercise of any power of the commission. Except as otherwise  
9 provided in this chapter, the commission shall have the power to act by a majority of the members  
10 present at any meeting at which a quorum is in attendance.

11 (9) The director may remove any member for cause or misconduct in office after giving  
12 him or her a copy of the charges against him or her and an opportunity to be heard, in person or by  
13 counsel, in his or her defense, upon not less than ten (10) days' notice. If any member shall be  
14 removed, the director shall file in the office of the secretary of state a complete statement of charges  
15 made against the member and his or her findings, together with a complete record of the  
16 proceedings.

17 (10) The director shall have the authority to establish subcommittees to fulfill the purposes  
18 of the commission. The subcommittee members shall be advisory to the commission and shall be  
19 comprised of key stakeholders representative of the issue(s) to be addressed.

20 **2-27-4. Powers of commission.**

21 The commission has the power to:

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

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

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

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

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

32 **2-27-5. Duties of the commission.**

33 The commission shall:

34 (1) Develop the criteria necessary for defining the most important forest land under this

1 chapter;

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

4 (3) Inform the public, public officials, and other citizens and interested persons of the  
5 provisions of this chapter; and

6 (4) Make recommendations to the director of the department of environmental management  
7 regarding disbursements from the forest land conservation fund.

8 **2-27-6. Forest land conservation fund.**

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

10 (b) The fund may be utilized for purposes consistent with this chapter.

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

12 (1) Sums the legislature may appropriate;

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

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

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

16 **2-27-7. Severability.**

17 If any provisions of this chapter or of any rule, regulation or order made under this chapter,  
18 or the application of this chapter to any person or circumstances, is held invalid by a court of  
19 competent jurisdiction, the remainder of this chapter, rule, regulation or order, and the application  
20 of that provision to other persons or circumstances shall not be affected. The invalidity of any  
21 section or sections or parts of any section or sections of this chapter shall not affect the validity of  
22 the remainder of this chapter, and it is declared to be the legislative intent that this chapter would  
23 have been enacted if those invalid parts had not been included in this chapter.

24 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

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

4           This act would take effect upon passage.

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