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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING AGRICULTURE AND FORESTRY - OLD GROWTH FOREST  
PRESERVATION ACT

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

Date Introduced: January 12, 2022

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 2 of the General Laws entitled "AGRICULTURE AND FORESTRY"

2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 28

4 OLD GROWTH FOREST PRESERVATION ACT

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

6 The general assembly recognizes that:

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

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

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

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

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

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

16 (7) Rhode Island's old growth forests are at serious risk of being cut for development to  
17 include, but not limited to, solar projects.

18 (8) It is a matter of public interest that old growth forests receive special consideration for

1 management purposes.

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

4 **2-28-2. Definitions.**

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

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

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

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

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

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

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

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

21 **2-28-3. Prohibitions.**

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

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

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

1 to public safety or to the health of other trees.

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

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

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

12 (c) The department of environmental management shall designate at least forty percent  
13 (40%) of its forest properties to be future old growth forests. These future old growth forests shall  
14 not be logged, timber harvested, or altered in any way, except as provided in § 2-28-3(c). Future  
15 old growth forest may consist of, but not be limited to, American beech forests, yellow birch forests,  
16 sugar maple forests, Atlantic white cedar forests, black tupelo forests, American hornbeam forests,  
17 and American hophombeam forests. Top candidates for future old growth forests shall be mature,  
18 native, continuous forests.

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

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

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

29 **2-28-5. Preservation and protected funding.**

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

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

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING AGRICULTURE AND FORESTRY - OLD GROWTH FOREST  
PRESERVATION ACT

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

4           This act would take effect upon passage.

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