

February 15, 2023

To the House Environment and Natural Resources Committee,

I have concerns about a bill introduced on February 3<sup>rd</sup>, 2023, the Old Growth Forest Protection Act (H 5344) which has been referred to the Committee and oppose its passage. The aim of the bill is ostensibly to protect old growth forests. I agree that identifying and protecting old growth forests is a valuable goal. However, I have many concerns with specific aspects of the bill. In summary:

- The bill is riddled with scientifically inaccurate and unactionable language
- Most criteria for designating old growth forests are not supported by scientific evidence
- The bill is an unfunded mandate which requires expensive, time-consuming, and technically demanding surveys without providing appropriate funding for materials or personnel.
- The bill would impede or prohibit forest management in many conditions and areas which could endanger public safety and property
- The bill relies on an organization, the Rhode Island Old Growth Tree Society, which lacks expertise and experience, in order to carry out its intended purpose

My concerns are based on the draft of H 5344 from 2/03/23 and are detailed below in full.

**H 5344 contains a variety of statements that are incorrect and scientifically unsupported as they apply to forests in Rhode Island.** For example, in § 2-28-1, while species in some parts of the world are dependent on old growth forests, there are no known animal species in Rhode Island (or even New England!) which are shown to require old growth forests for their survival. Likewise, there is no support for statement three in Rhode Island ecosystems. Tree species in Rhode Island are capable of regenerating and propagating without the presence of old growth forests.

Similarly, **most of the proposed criteria for designating old growth forests in § 2-28-2-4 are not supported by scientific evidence.** A commonly-used definition from the Harvard Experimental Forest that is easily understandable is “forests that have never been directly altered by humans in the form of cutting, clearing or agricultural practices.” However, this section proposes that any forest which meets three of a constellation of 12 criteria be designated as “old growth.” Most forests in Rhode Island would meet three of these criteria. For example, criteria 8, 11, and 12 would apply to most forests and are not defining characteristics of old growth. Older trees in many ecosystems, including urban street trees in Providence and those in my suburban backyard, have balding bark. Most forests contain a large variety of native tree species and are self-perpetuating. Creating a new, unsupported definition under which a large proportion of forests in our state would be considered as “old growth” contradicts previous findings. Only one scientifically verified tract of old growth forest in the state has been identified in previous surveys (Davis 2003). This section of the bill is particularly problematic when combined with the requirements of the bill prohibiting management of these “old growth” forests.

Tree coring, identification surveys, and soil sampling require extensive technical training and person-hours to conduct correctly so that resultant data is interpretable. Simply providing unspecified materials to local governmental organizations to engage in this specialized work without additional financial support and hiring of appropriately trained personnel will not yield quality results. In this sense, **the bill is an unfunded mandate.**

Based on a flawed determination of old growth status and unsupported survey work (above), **the bill prohibits many types of management, an outcome which could endanger public safety and property.** The bill would actively restrict, exclude, or prevent some types of management on many lands, including managing for wildfire prevention and mitigation, improving water quality, and wildlife habitat. These functions of forests are important for the well-being and safety of many residents of Rhode Island. For instance, not managing state-owned forests appropriately could lead to larger, more damaging wildfires.

§ 2-28-3-a+b and 2-28-4-e variously prohibit *any* management of natural area preserves and management of any state and municipally-funded operations on private, state, and municipally-owned “old growth” forests. These prohibitions would effectively bar responses to ongoing wildfires and even timely preventative measures that might be needed in at-risk areas during a wildfire season. Loss of life and property could result from these prohibitions. Over time, these restrictions could have other consequences including: loss of habitat for vulnerable wildlife, reduced water quality, and build up of fuel material leading to increased wildfire risk, a pattern we are currently seeing across the US.

Additionally, I am concerned that **the bill requires RI DEM to work with the Rhode Island Old Growth Tree Society (RIOGTS), despite its lack of a track record of science-based conservation and management of forested lands.** The RIOGTS was recently incorporated in Rhode Island in March, 2022. I can find no information about successful completion of projects or management plans by RIOGTS. There is also a lack of public information about the RIOGTS. There is no public listing of the Director or other officers (aside from the directors in its incorporation filing), no published bylaws, and no information about elections to positions in the Society. The RIOGTS’s recently created webpage (previously the source of the above information) is non-functional as of my writing. Based on this evidence the RIOGTS does not have the expertise or experience to warrant requiring coordination with RI DEM.

In summary, I believe that H 5344 should not be supported due to these issues.

Thank you for consideration,



Dr. Chris Thawley