



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

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March 9, 2023

The Honorable David A. Bennett  
Chairman  
House Committee on Environment and Natural Resources  
82 Smith Street  
Providence, Rhode Island 02903

**RE: H 5344 An Act Relating to Agriculture and Forestry – Old Growth Forest Preservation Act**

Dear Chairman Bennett,

Thank you for providing the Department of Environmental Management (DEM) the opportunity to comment on H 5344, which would institute restrictions intended to protect old growth and certain other forests located on state or municipal property. DEM has concerns with this legislation.

DEM recognizes the importance and benefits of a healthy forest ecosystem, including older and mature forests. However, we are concerned that this legislation would inhibit DEM's ability to effectively manage forests located on state property in a manner that benefits wildlife, recreational users, and the overall health of our forest ecosystem. Notably, the definitions for several terms used in the bill, including "forest" and "old growth forest" are inconsistent with the current forest science consensus. Additionally, the techniques that the bill proposes for identification of old-growth forest, such as tree coring and soil sampling, are not necessary to determine if a forest displays characteristics of old-growth forest. Neither the age of an individual tree or group of trees nor soil characteristics in a forest are what defines an old-growth forest.

The Forest Conservation Commission (FCC), which was established through legislation adopted by the General Assembly in 2021 and consists of experts in forestry, has studied the issue of old-growth forests and has approved a definition for use in Rhode Island based on established definitions from other states and national organizations. The definition approved by the FCC proposes that old-growth forests are those forested parcels of five acres or more with no evidence of previous forest conversion such as logging, stone walls, roads, or other post-European settlement disturbance, and with no evidence of stand-replacement events such as fires or other natural disasters. The FCC has also identified a variety of characteristics which are to be used in determining whether a forest meets this definition.

We are also concerned that DEM does not have sufficient resources to implement the requirements that this legislation would impose. The legislation would require that the state conduct comprehensive surveys prior to any forest operations, and upon acquisition of new property, to determine if a forest meets the criteria to be designated an old-growth forest as defined in the bill. DEM staff already conduct reviews consistent with forest science before any forestry operations occur to ensure that forests with unique characteristics are not impacted. However, requiring additional steps such as tree coring and soil sampling, which are not necessary to assess if a forest has old-growth forest characteristics, would add an additional resource burden without an identifiable benefit.

We appreciate the opportunity to offer comments on this legislation and would be pleased to make ourselves available as needed. Please feel free to contact Jason McNamee, Deputy Director for Natural Resources, at [jason.mcnamee@dem.ri.gov](mailto:jason.mcnamee@dem.ri.gov) should you have any additional questions or wish to discuss this matter further.

Sincerely,

A handwritten signature in cursive script that reads "Terrence Gray". The signature is written in black ink and is positioned above the typed name and title.

Terrence Gray, P.E.  
Director

cc: Members of the House Committee on Environment and Natural Resources  
The Honorable Evan Shanley  
Nicole McCarty, Chief Legal Counsel to the Speaker of the House  
Lynne Urbani, House Policy Director