



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF THE DIRECTOR
235 Promenade Street, Room 425
Providence, Rhode Island 02908

February 27, 2025

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

RE: H 5294 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 5294, 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 "old growth forest" are inconsistent with the current forest science consensus. DEM also objects to many of the statements found in the legislative findings section which we believe are scientifically inaccurate.

The Forest Conservation Commission (FCC)¹, 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.

¹ <https://dem.ri.gov/about-us/dem-offices/commissions/rhode-island-forest-conservation-commission>

H 5294 would prohibit the felling or removal of any tree located within an old growth forest on state or municipally owned property. Although exceptions are provided for trees that pose a safety hazard or are invasive, this prohibition would mean that trees could not be removed even if doing so would help to slow the spread of a pest or disease, to provide wildfire mitigation, or for recreational management purposes. Many of Rhode Island's conserved forests are popular locations for recreation and this bill would hinder DEM's ability to ensure trails are maintained in passable condition.

The legislation proposes a new process for determining if forests meet the definition of an old growth forest in the bill which involves a new Natural Heritage Program housed within the Division of Statewide Planning. Many of the requirements outlined on pages 5-6 of the bill are duplicative of processes already in place at DEM. For example, DEM employs a forester who is on site when any tree removal projects take place and we require that an inventory be compiled for tree removal projects, including photo documentation before, during, and after the project occurs. DEM staff conduct reviews consistent with forest science before any forestry operations occur to ensure that forests with unique characteristics are not impacted.

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 TeeJay Boudreau, DEM Deputy Chief for Forest Environment, at teejay.boudreau@dem.ri.gov should you have any additional questions or wish to discuss this matter further.

Sincerely,

A handwritten signature in dark ink, appearing to read "Terrence Gray". The signature is fluid and cursive, with the first name "Terrence" being more legible than the last name "Gray".

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