



RHODE ISLAND
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RIDEM GUIDANCE DOCUMENT

“Core Forest” Determinations for Renewable Energy Developments

I. Introduction

A state law enacted in 2023 (H 5853 Sub A / S 684 Sub A) established requirements governing the siting of renewable energy systems participating in the state’s net-metering or Renewable Energy Growth (REG) incentive programs. That law requires the Department of Environmental Management (DEM) to determine if proposed projects seeking to participate in these programs are eligible based on these siting requirements. Specifically, projects must be sited outside of core forests, as defined in the law, except for development on preferred sites in the core forest. DEM has developed this guidance document to assist developers and other stakeholders understand the process that will be used to make siting determinations. Note that the siting requirements introduced by the 2023 law and discussed in this guidance document are in addition to any other federal, state, and/or local permitting and other requirements that may apply to proposed projects.

II. Statutory Siting Requirements

Rhode Island state law prohibits renewable energy projects located within core forest, excepting those projects located on preferred sites within core forests, from receiving benefits through the state’s net-metering (R.I. Gen. Laws § 39-26.4) and REG programs (R.I. Gen. Laws § 39-26.6). The law defines core forests as “unfragmented forest blocks of single or multiple parcels totaling two hundred fifty (250) acres or greater unbroken by development and at least twenty-five (25) yards from mapped roads” and tasks DEM with determining if proposed projects are located within core forests.

Preferred sites are defined as those sites that have had prior development including, but not limited to, landfills, gravel pits and quarries, highway and major road median strips, brownfields, superfund sites, parking lots or sites that are designated as appropriate for carports, and all rooftops. For systems developed in core forests on preferred sites, the law states that no more than one hundred thousand square feet (100,000 sq. ft) of core forest shall be removed, except for work required for utility interconnection or development of a brownfield, in which case no more core forest than necessary for interconnection or brownfield development shall be removed.

III. Determination Process

DEM determinations made under the law will be completed by staff in the DEM Division of Agriculture and Forest Environment. Developers of renewable energy facilities are required to submit a siting document to DEM via the online form available at <https://dem.ri.gov/coreforest>. This document must include a project base map reflecting Rhode Island’s core forests with the entirety of the proposed installation’s project boundaries overlaid. This includes a GIS shapefile or Autocad drawing file (.dwg) showing the limits of disturbance / clearing in RI NAD83 state plane coordinate feet, overlaid to the DEM core forest map that is made available. The applicant must provide evidence of written consent by the landowner(s) of the parcel on which the facility will be sited. **The siting document must be submitted to DEM prior to submitting applications for incentive program participation to Rhode Island Energy.**

To assist with the determination process, DEM will utilize a GIS map of core forests based on the definition in the state law. This map will be updated periodically as new data becomes available to reflect changing circumstances on the ground that may impact which areas meet the definition of a core forest. The map will be made publicly available on DEM’s website and can be used as a reference point when considering potential project locations.

Based on the results of an initial review, DEM staff may request that the developer submit additional information in writing to help verify the location of the proposed renewable energy facility relative to core forests. This information may include a written response from a qualified professional such as a forester or surveyor. As deemed necessary, and as resources allow, DEM staff may conduct a site visit to verify the information included in a submission and to assess conditions on the ground.

Certain types of renewable energy projects are exempted from the full DEM core forest review process and are instead required to provide both DEM and Rhode Island Energy with a self-certification form indicating that the proposed project is eligible to be exempted. To be eligible for self-certification, a proposed project must 1) be a rooftop project OR 2) have a nameplate capacity of twenty-five (25) kilowatts or less.

Preferred Sites

If a project is located on a preferred site within a core forest, this information should be clearly articulated in the siting document and any supporting documentation included. DEM maintains databases of certain types of preferred sites identified in the siting law, such as brownfields, landfills, and superfund sites, but not for other types of preferred sites. Documentation such as photographs, aerial images, etc. that will support the claim of a preferred site should be provided. The project base map must indicate the approximate location of the qualifying preferred site by outlining the preferred site.

State law specifies that projects participating in the Renewable Energy Growth program which exceed 15 megawatts but are less than 39 megawatts may only be sited on preferred sites. Rhode Island Energy will require that applicants provide a determination from DEM that indicates

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projects in this size range are located on a preferred site. These determinations may be obtained from DEM in a similar manner as other core forest determinations as described above.

Determinations

After reviewing the submitted information, DEM staff will issue a written determination to the developer regarding the location of the proposed project. Such determination will be issued within 30 calendar days from submission of the application form and will be processed at no cost to the applicant.

IV. Appeals

State law makes the DEM determination subject to appeal as a contested case under the Administrative Procedures Act (R.I. Gen. Laws § 42-35-1(5)). An applicant has 30 days to appeal a determination to the DEM Division of Administrative Adjudication. The written determination provided by DEM will include additional information about how to file an appeal.