



Special Legislative Commission to Evaluate and
Provide Recommendations on Proper Forest
Management for Fire Prevention

Draft Report

Submitted (Date)

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Commission Members

- Representative Megan Cotter, Chair – D - District 39 - Exeter, Richmond, Hopkinton
- Representative Michael Chippendale – R - District 40 - Foster, Gloucester, Coventry
- Mr. Tee Jay Boudreau, Rhode Island Department of Environmental Management
- Mr. Marc R. Pappas, Rhode Island Department of Emergency Management
- Mr. Armand Niquette, Rhode Island State Association of Fire Fighters
- Mr. Scott Millar, Forest Conservation Commission
- Ms. Kate Sayles, Rhode Island Land Trust Council
- Mr. William Fortune, Forest Conservators Organization
- Chief Scott Kettelle, Rhode Island Association of Fire Chiefs, Inc.
- Ms. Catherine Sparks, Former Rhode Island Chief of Forestry
- Mr. Dick Went, Rhode Island Association of Conservation Districts

- Mr. John Torgan, The Nature Conservancy

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Dear Speaker Shekarchi:

I am pleased to provide you with the findings and recommendations of the Special Legislative Commission to Evaluate and Provide Recommendations on Proper Forest Management for Fire Prevention (the “*Commission*”).

This twelve (12) member Commission was convened to find solutions for proper forest management for fire prevention in Rhode Island.

Accordingly, the Commission heard testimony by representatives from the Department of Environmental Management, the Division of Agriculture and Forest Environment, the Rhode Island Association of Fire Chiefs, Inc., the Rhode Island Emergency Management Agency, Legal Counsel for the Office of Legislative Council of the Rhode Island General Assembly, the Audubon Society of Rhode Island, the Nature Conservancy, and the National Resources Conservation Service.

This final report is a culmination of six (6) hearings that began in September, 2023 and ended in March, 2024. It contains information presented by various witnesses who testified before the Commission, as well as presentations made, which the Commission has studied.

I would like to express my gratitude to all members of the Commission for their willingness to take part in these discussions, and we appreciate the investment of the time and talent that they graciously provided.

Sincerely,

Representative Megan Cotter
Chair

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Commission Findings

The Commission studied forest management and fire prevention practices and, based on such study, testimony and material presented to it, and discussions by and amongst its members, the Commission finds as follows:

1. Approximately fifty-three percent (53%) of all Rhode Island land area is forested land.
2. In 2023, Rhode Island experienced two sizeable forest fires:
 - A fire in Exeter burned an estimated five-hundred and seventy-five (575) to six hundred (600) acres at the Queen River Nature Preserve; and
 - Another fire in West Greenwich burned more than two-hundred (200) acres near the Big River Management Area.
3. Invasive diseases and insects have contributed to excessive dead wood exacerbating the risk and severity of forest fires.
4. According to Christopher Modisette and Melissa Hayden of the National Resources Conservation Service (“**NRCS**”):
 - The U.S. Department of Agriculture’s NRCS is the lead federal agency that helps private landowners voluntarily conserve soil, water, air, plants, animals, and other natural resources;
 - A Forest Management Plan (“**FMP**”) is a site-specific plan developed for a landowner that addresses one or more resource concerns and is required in order to receive technical and financial assistance;
 - Resource concerns include: brush management, fuel break establishment, woody residue treatment, dry-hydrant installation, forest trails & landings, tree/shrub pruning, and forest stand improvement;
 - By having an FMP, landowners may be eligible for financial assistance for plan implementation including the Environmental Quality Incentives Program and the Conservation Stewardship Program;
 - Since 2010, 1,329 Rhode Island landowners have created FMPs (totaling 35,957 acres) which have resulted in grant awards totaling \$3,411,473; and,
 - NRCS would like to raise awareness of grant programs and obtain more participation from local Rhode Island landowners which the Nature

Conservancy and the Rhode Island Association of Conservation Districts helps to facilitate.

5. According to TeeJay Boudreau, Deputy Chief, Division of Agriculture and Forest Environment, Rhode Island Department of Environmental Management:

(“***RIDEM***”):

- RIDEM manages over 40,000 acres of forest land, coordinates a statewide forest fire protection plan, assists in administering federal landowner assistance programs, and monitors and recommends controls for insects and disease;

Commission Findings (continued)

- RIDEM adopted a 2020 Forest Action Plan that provides goals, policies, and strategies focused on the management of tree resources;
- RIDEM’s Forest Fire Program provides grant assistance to local volunteer fire departments, coordinates forest fire response, performs education and outreach, and maintains federal and regional partnerships;
- RIDEM’s Forest Health Program monitors pests and diseases, tracks and records trends, and conducts community education and outreach;
- In 2022, Rhode Island voters approved a \$50 million Green Bond which allocated \$3 million for forest and habitat restoration;
- RIDEM allocated \$700,000 of the Green Bond for FMPs, \$1,500,000 for the removal of dead standing trees, \$500,000 for invasive plant control, and a \$300,000 extension for “Increasing RI’s Prescribed Burn Capacity” Grant;
- In FY23, RIDEM issued seventeen (17) volunteer fire assistance grants of \$35,000 each to local fire departments in communities with populations of 10,000 persons or fewer;
- Rhode Island has received forestry related funding through the Federal Infrastructure Investment and Jobs Act and the Inflation Reduction Act as follows:
 - \$238,000 (distributed annually to Rhode Island through 2028);
 - \$53,000 for improved training;

- \$1.2 million for the Urban Forestry Program;
 - \$500,000 for underserved landowner program outreach;
 - \$3 million for Pawtucket;
 - \$3 million for the Rhode Island Department of Health and Human Services; and,
 - \$750,000 for East Providence;
- In the last five (5) years, RIDEM has conducted forest thinning over one-hundred and twelve (112) acres, maintained over twenty-five (25) miles of roadway access, maintained hundreds of miles of walking trails, and conducted four (4) prescribed burns totaling forty-nine (49) acres;
 - RIDEM lacks a universal map of all of interior Fire Trails;
 - In 2023, RIDEM had 4 Rangers, 0 Equipment Operators, 3 Laborers, and 6 Foresters compared to 1990 when RIDEM had 16 Rangers, 2 Equipment Operators, 18 Laborers, and 7 Foresters;
 - Since 1980 RIDEM has acquired over 23,000 additional acres to its landholding; and,
 - RIDEM’s level of funding has resulted in it being able to actively manage only approximately 1% of Rhode Island forests annually.

Commission Findings (continued)

6. According to Thomas J. Guthlein and Armand Randolph of the Rhode Island Emergency Management Agency (“***EMA***”), EMA:

- Provides support to municipalities during a disaster, providing resources, working as a troubleshooting clearinghouse for information, and beginning the recovery process;
- Serves several important roles, such as:
 - Being the “pass-through entity” in providing subawards and administering grant assistance;
 - Certifying that all costs reported on an applicant’s project worksheet follow the terms and conditions of the FMAG;
 - Conducting regular audits; and,

- Recovering federal funding for various reasons including error, misrepresentation, and fraud.
 - In the event of a declared fire, the federal Fire Management Assistance Grant Program (“*FMAG*”) reimburses seventy-five percent (75%) of costs associated with suppression and emergency protective measures which includes land loss, equipment, supplies, and mitigation efforts; FMAG also reimburses landowners for the costs of forest fire mitigation, infrastructure improvements, soil stabilization, and flood prevention.
7. According to Chief Scott Kettelle, Chief Scott Barber, Chief Robert C. Franklin, and Chief Scott D. Gavitt of the Rhode Island Association of Fire Chiefs:
- In the event of a major forest fire, every second counts when trying to contain the spread of the fire and mitigate the damage to land and property;
 - Currently, Rhode Island has approximately three hundred and fifty (350) fire-fighters and one thousand (1,000) volunteers, which is considered to be fewer than necessary in the event of a massive forest fire;
 - Fires in heavily forested areas can be difficult to reach due to a lack of access roads and bridges, or maps thereof, and even when access roads and bridges exist, access can be blocked for the following reasons:
 - Inadequate width for emergency vehicles to traverse;
 - Impassable roads due to a lack of maintenance;
 - Too little weight capacity to handle the weight of emergency vehicles; and,
 - Boulders placed by RIDEM at the access point;
 - Access to water, which is necessary to fight fires, is limited in heavily forested areas and existing pumps and infrastructure have become degraded due to a lack of maintenance; In particular, environmental conditions, such as erosion, have significantly contributed to this degradation;

Commission Findings (continued)

- RIDEM has a hose loan program that provides rural fire departments with hoses designed specifically for fighting brush and forest fires and replaces the hoses as needed; and,

- Volunteers take the discarded hose and make repairs for its reuse which was credited as having been critical to fighting the forest fires in 2023;
8. According to Mr. Michael Goldberg, Esq., Legal Counsel for the Office of Legislative Council of the Rhode Island General Assembly:
- The United States Department of the Interior Office publishes several handbooks related to forest management and forest fire preparedness;
 - The John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019:
 - Empowered the Secretary of the Interior to improve fire resiliency and forest health through wildfire prevention and response activities; and,
 - Promoted the use of the best available modern wildfire technology to enhance the effective and cost-efficient response to wildfires;
 - In 2022, the Pew Charitable Trusts found that states most commonly draw on general fund revenue to finance forest fire fighting activities, which results in local governments paying upfront costs and having to wait for reimbursement;
 - Mr. Goldberg identified the following key takeaways from a May 2023 National Conference of State Legislatures conference:
 - Mitigation efforts are more difficult to fund and implement than suppression efforts;
 - Intergovernmental and interagency regulations can create barriers to mitigation policies;
 - Some states use innovative funding and finance mechanisms to support localities;
 - Attracting and retaining fire and forestry workers is challenging;
 - Accurate and accessible wildfire spending data is valuable; and
 - States are interested in data tools but have questions about how to apply them;
 - The 2021 Infrastructure Investment and Jobs Act dedicated \$3.3 billion to reducing the risk of wildfire events;

- Mr. Goldberg identified the following federal grants that could supplement state investment in forest management:
 - Community Wildfire Defense Grant Program;
 - The Wildfire Mitigation Grant Program;
 - The Hazard Mitigation Grant Program;
 - The Hazard Mitigation Grant Program Post Fire; and,
 - The Building Resilient Infrastructures and Communities Grant.

Commission Findings (continued)

9. According to Sue AnderBois Director of Climate & Government Relations of the Nature Conservancy:
 - The Nature Conservancy is a global organization dedicated to conserving the lands and waters on which all life depends;
 - In the opinion of the Nature Conservancy, climate change is creating dryer climates that is exacerbating the risk of forest fires in Rhode Island;
 - The Rhode Island chapter stewards more than 14,000 acres of land and has partnered with others non-profits, including the Audubon Society of Rhode Island (“Audubon”), to protect an additional 35,000 acres of land;
 - Approximately ninety percent (90%) of the work of the Nature Conservancy is to promote forest preservation in its natural state and ten percent (10%) is in management to protect and promote biodiversity;
 - The Nature Conservancy conducts its forest management in accordance with nationally recognized best practices;
 - Ownership of Rhode Island’s forests is a patchwork that makes it difficult to create and manage a comprehensive state fire management plan;
 - A statewide plan for forest management should involve the input of key stakeholders to aid in the mapping of fire and access roads; and,
 - Mapping of fire and access roads is critical, but placing unfunded mandates on non-profits is unlikely to be successful.

10. According to Jeff Hall, Executive Director, and Phoenix Wheeler, Director of Advocacy, of Audubon:

- Audubon works to promote good forest conservation practices including connecting protected lands to create corridors for habitat migration;
- Audubon conducts inventories of natural features of land and develops management plans that are designed to reduce habitat fragmentation;
- Audubon protects over 9,800 acres on over 100 properties in Rhode Island, fourteen (14) of which are open to the public;
- Audubon considers deforestation caused by invasive species and disease as a major contributor to the increased risk of forest fires;
- Audubon staff and members provided volunteer aid to assist first responders during the major forest fires in Rhode Island in 2023;
- Audubon has a strong working relationship with local fire departments and local governments in areas where their preserves are located;
- Audubon is working to improve communication both with emergency response and for staff and guests; and,
- Audubon has been working to install a dry-hydrant, an unpressurized pipe to utilize water from a lake or pond in areas without sewer hookup access, in its Exeter preserve, and is exploring opportunities to install more dry-hydrants on other preserves.

Commission Recommendations

Based on its study of forest management and fire prevention practices, as well as related testimony and material presented to it, and discussions by and amongst its members, the Commission makes the following recommendations:

1. The General Assembly may consider enacting legislation that would:
 - a. Increase the Green Bond to fund programs to protect Rhode Island’s local environment, and additional staff positions within RIDEM;
 - b. Require RIDEM, in conjunction with local fire departments, to: Conduct comprehensive mapping of public and private access roads in heavily forested areas; Identify and inventory road conditions; and, Identify and inventory the proximity of access roads to nearby bodies of water;
 - c. Amend Rhode Island General Laws § 2-27-3, Forest Conservation Commission (“*FCC*”), to expand the membership of the commission to include a representative from the Fire Chiefs Association;

- d. Require each landowner with over five-hundred (500) acres of forested land to complete an FMP that includes a fire safety component that must be approved by a local fire department; and,
 - e. Require municipalities to revise existing comprehensive plans to include forest fire mitigation provisions and require future comprehensive plans to include such provisions.
- 2. RIDEM should obtain the following information: identity of the owners of forested land over one-hundred (100) acres and the contact information of such landowners for the purpose of notifying them in the event of a potential forest fire emergency.
- 3. RIDEM should re-evaluate the practice of using boulders to block entrances and exits to access roads for forested areas.
- 4. EMA, DEM, and the Rhode Island Association of Fire Chiefs may consider meeting regularly to provide updates and information on potential forest fire threats.
- 5. The Fire Chiefs' Association should further develop a forest fire training component to be taught at the Rhode Island Fire Academy.
- 6. The FCC should: Develop standardized brochures, handouts, and electronic materials containing key information and resources on land management; utilize such information and materials when conducting outreach to landowners; and RIDEM should make such information and materials available on its website.

Appendix A - Enabling Resolution

2023 -- H 6342

(See attached)

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Appendix B - Meeting Agendas

- **September 12, 2023**
 - Agenda (See attached)
- **October 12, 2023**
 - Agenda (See attached)
- **November 16, 2023**
 - Agenda (See attached)
- **January 23, 2024**
 - Agenda (See attached)
- **February 2, 2024**
 - Agenda (See attached)
- **March 4, 2024**
 - Agenda (See attached)

Appendix C - Written Testimony, Presentations, and Material

(These documents have been posted in the “Forest Management Commission” section of the Commissions tab of the State of Rhode Island General Assembly website: <https://www.rilegislature.gov>)

1. 2-2-24---Queens River After Action Report
2. 2-2-24---West Greenwich After Action Report
3. 1-23-24---Audubon Presentation
4. 1-23-24---Director Hall Remarks
5. 1-23-24---Forest Management Plans Factsheet
6. 1-23-24---NRCS-RI Forest Land Factsheet
7. 1-23-24---NRCS-RI Forest Land Factsheet
8. 1-23-24---RI Forest Wildfire Factsheet
9. 11-16-2023---Michael Goldberg Presentation
10. 11-16-2023---NCSL Forest Management Best Practices
11. 11-16-2023---RIDEM Forest Fire Prevention Presentation
12. 11-16-2023---RIEMA Fire Management Assistance Brief
13. 10-12-2023---Division of Agriculture and Forest Environment Presentation
14. 10-12-2023---Forest Management Issues from the Perspective of Local Fire Chiefs
15. 9-12-2023---2023--H-6342