

Representative David A. Bennett, Chairman  
Environment and Natural Resources Committee  
Rhode Island House of Representatives  
rep-bennett@rilegislature.gov

April 7, 2026

Re: House Bill H7914 – The Natural Forest Protection Act

Dear Chairman Bennett,

My name is Rick Enser, and I am submitting testimony regarding H7914 in my former capacity as an employee of the Rhode Island Department of Environmental Management (RIDEM) between 1979-2007 where I served as the coordinator of the Rhode Island Natural Heritage Program.

As you are aware, restoration of the Natural Heritage Program (NHP), which was shuttered in 2007 on my retirement from RIDEM, is a focus of H7914. In this testimony, I will argue that restoration of the NHP is indeed vitally important; however, I am opposed to H7914 as the way to accomplish this task because restoration of an office that once existed in DEM should not need legislative action. All it needs is the willingness of the State to refill one FTE position to staff the NHP.

I will detail in this testimony the urgent need to reengage the NHP; however, there is an important question to ponder in this regard. Why hasn't DEM revived the NHP in the nearly 20 years since its demise? The simplest reason is that RIDEM, and most of the state's conservation community, has lost interest in the essential goal of the program, the conservation of biodiversity.

This disinterest is reflected in another issue raised by H7914, the need to resurrect the Natural Areas Protection Act of 1993 because RIDEM and the conservation NGOs that supported passage of NAPA in 1993 have forgotten they did so. RIDEM and the NGOs have altered their perspective about their responsibilities in conserving Rhode Island's most ecologically significant natural resources. To understand this change, let me offer a brief history of the NHP.

The Rhode Island Natural Heritage Program was initiated in 1978 through a contract between RIDEM and The Nature Conservancy (TNC). At the time, TNC was a fledgling land conservation nonprofit based in Virginia that lacked the scientific expertise to identify the places on the land of highest conservation need. In 1972, TNC formed the National Natural Heritage Network and helped facilitate state-based NHPs to work towards the creation of a national biodiversity database.

The first state program opened in 1974 in South Carolina. Other states quickly followed and there would be more than 20 by the time RI joined. The task of NHPs was to conduct an inventory of a state's biodiversity, essentially identifying all native plants, animals, and ecosystems, and determining which of these elements of diversity were in greatest need of conservation attention.

Aside from TNC's need for place-based data, Federal and State Endangered Species legislation in the mid-70's used natural heritage data to identify and monitor candidate species for listing and also provided science-based reviews of impacts on Natural Heritage resources in Environmental Impact Statements and other government plans and assessments. In Rhode Island, NHP data became invaluable to state planning processes, including the State Comprehensive Outdoor Recreation Plan, the RIDEM Land Acquisition Plan (Sutton and Enser 1996), Forest Legacy Program, Natural Heritage Preservation Commission Grant and Loan Programs, Forest Stewardship Program, and more.

The initial work of conducting a biodiversity inventory involves researching the historic record that is chiefly found in museums and herbaria. For example, herbarium specimens maintained in collections at Brown, URI, Harvard, and Roger Williams Park Museum of Natural History served as the principal sources of plant records dating back to the early 1800s. The NHP confirmed in the field if historic records were still viable and conducted numerous de novo searches for undocumented sites. Initially, this work indicated that as many as 27 plants were likely extirpated from Rhode Island - formerly known from the state but now gone.

There are a bit more than 1200 native plants in Rhode Island, so the loss of 27 may not seem like many, especially when we consider the degree of debasement that natural ecosystems have suffered since European colonization. The old growth forest that blanketed the interior is gone, all the rivers have been dammed, and all the marshes in the upper Bay have been filled, drained, and coated in asphalt. Given this history, the numbers of extirpated species was at first not surprising; but it began to be disconcerting when the numbers of lost species continued to climb.

By the termination of the program in 2007, the number of plants lost from Rhode Island had risen to 82! AND, another 80 plants are currently known from single locations, some threatened by invasive species where they hang by a thread thanks to volunteer invasive control efforts.

Rhode Island's native animals have also suffered, especially invertebrates. Gone are at least two butterflies (regal fritillary and Persius duskywing); several moths (including the imperial moth, royal walnut moth, and chestnut moth); more than 30 beetles, including the Federally listed Northeastern beach tiger beetle, last seen on

Block Island in 1979; and, according to the newly-released bumble bee survey from RIDEM, at least three of the 13 native bumble bees have vanished, including the Federally-listed rusty-patched bumble bee. Other lost animals include the brook floater (a freshwater mussel), eelgrass limpet, and timber rattlesnake.

All told, the number of lost species per capita in Rhode Island is the highest for any state except Hawaii. The basic reason is geography. Yes, Rhode Island is small, and much of it is easily accessed by one of the largest estuaries on the Atlantic coast. This feature served some of the earliest European settlements in the New World, and ground zero for its destruction.

It all went quickly. The old growth forests were the first to go, transforming the uplands, while river damming and marsh filling ravaged aquatic systems. In general, many native plants of the interior forests were able to overcome deforestation, but today these plants face new challenges from climate change, exotic invasive species, increased herbicide use, deer browsing, and suburban sprawl.

These drivers of extirpation, especially the march of exotic invasive species across the landscape, are exasperated by the actions of forest and wildlife managers who promote logging of forests under the guise of providing a “diversity of wildlife” and/or “increasing forest resilience” to the impacts of climate change. Although these actions may be acceptable on private forest lands that have already been degraded by continual tree harvesting, they are not acceptable on public lands. Why?

It should be a well-understood concept by now that keeping forests standing is the most appropriate response to addressing the climate and biodiversity crises. Forests sequester and store carbon (more than 50% of it in the undisturbed soils), and support increasing species diversity as they mature. And let’s remember that forests also filter the air, recycle nutrients, lower the temperature, collect water, prevent erosion, and where spacious enough provide emotional respite from the stress of living in a rapidly urbanizing place.

Creating openings in the middle of standing forests provides none of these benefits. A 5-acre clearcut (the standard size for game management purposes) does not increase species diversity, it obviously lessens it. They do not help filter the air. They eliminate stored carbon, raise the temperature, and increase runoff. And most insidiously, openings create the disturbed conditions favored by invasive species, the ones that managers promise to control with herbicides including glyphosate.

And to be crystal clear, it does not take a conservation biologist to understand that cutting down trees to make forests more resilient to climate change is an absurd concept.

At the committee hearing on March 31, there was testimony from a member of the Backcountry Hunters and Anglers about how DEM conducts 5-acre clearcuts to provide habitat for early successional game species. It's a management practice, he correctly pointed out, that has been conducted for decades. He also mentioned that when these clearcuts grow back enough to be unsuitable for the target game species because of vegetation regrowth, they will be cut again to achieve the original prescription.

With this understanding, we can see that the creation of early successional habitats is not "forest management", it is simply deforestation.

In 1993, the President's Council on Environmental Quality (CEQ) published *Incorporating Biodiversity Considerations into Environmental Impact Analysis Under the National Environmental Policy Act*, which was designed as a guidebook for State and Federal agencies to fulfill their responsibilities under NEPA by incorporating biodiversity into impact analyses. In this document, CEQ provided examples of existing management policies that were impactful to biodiversity.

One example detailed how agencies regularly fail to consider "non-economically important species" and how "practices intended to maximize protection or production of these species conflicted with wider biodiversity objectives. For example, the creation of forest openings and edge habitat favoring game species is now recognized as causing severe impacts to interior forest dwelling species".

The CEQ guidelines were never adopted by any Federal agency, including the US Forest Service and US Fish and Wildlife Service, the two agencies that govern how forests and wildlife are managed in Rhode Island. These two agencies are the principal architects of the state's *Forest and Wildlife Action Plans*. These plans do not recognize curbing biodiversity loss to be a reasonable conservation objective because adopting this important purpose would greatly curb the use of management practices "used for decades" long before we understood the true damage they caused.

The biodiversity crisis remains unrecognized at all levels of government in the United States. There is no Federal guidance to the States on addressing this issue, and as a result the public remains highly uninformed. Unlike the climate crisis, the biodiversity crisis has not spawned coordinating councils, or executive mandates for state agencies to prepare mitigation plans, or websites telling the public what they can do. Agencies are free to do what they want because they deny the impact of their actions with new greenwashing narratives.

Rhode Island has reached its biodiversity tipping point. The rush to achieve "build-out" in this state has produced a highly fragmented landscape that provides the perfect conditions for the spread of exotic invasive species that is causing the

desecration of natural ecosystems. The only places capable of withstanding this relentless advance are the largest forests. There are only a few, and most are on state land where they remain subjects of the whims of agency managers. Protection of these places is the principal reason to resuscitate the Natural Areas Protection Act (NAPA).

NAPA was written by RIDEM and TNC, and both provided oral and written testimony, along with other conservation groups, in support of the bill. NAPA sets forth a procedure for nominating places for natural area designation, with selection and approval of nominees by the Director of RIDEM. Stewardship of designated natural areas would be according to plans that restrict human interference with natural processes but would not limit hunting or other forms of passive recreation.

Following passage of NAPA in 1993, the Division of Fish and Wildlife, in consultation with the NHP, prepared several nominations for natural areas on state lands, including portions of the Great Swamp and Arcadia Management Areas. The nominations were submitted to the Director of RIDEM sometime before 2000, but they were never acted on.

When RIDEM and TNC were queried about the NAPA in 2021 neither organization were aware of the Act's existence. None of the prepared natural area nomination materials could be located. RIDEM would likely blame "staff turnover", but at TNC there had been a change in philosophy. The conservation group that had originally come to Rhode Island to conserve biodiversity had switched its allegiance to the commodity side of wildlife management by helping to facilitate the Wildlife Action Plan and logging on state and TNC land to create early successional habitat. In my opinion, The Nature Conservancy has lost all credibility as a biodiversity conservation organization.

It is apparent that no state agency, or NGO working with a state agency, is going to come forward with a solution for implementing the NAPA. If the General Assembly is concerned enough about this issue, and I think members would be frustrated by now with this 5-year parade of ill-advised old growth and natural forest bills, what is the appropriate next step? Do we need new legislation? It does not seem illogical to create new legislation for things that already exist.

Implementation of the NAPA requires reestablishment of the Natural Heritage Program to provide the professional guidance for selection and designation of natural areas. However, during its 28-year existence the NHP also provided the public an environmental review capacity for assessing impacts to species and ecosystems. The capability of providing a definitive answer about the presence or absence of rare and endangered species was one of the biggest sellers of the original NHP, not because we knew where things were, but where they were not.

The data was eventually put into a publicly available GIS format that identifies locations of rare species; however, the website provides no details about the locations, not even a species name. Before 2007, a member of the public could contact the NHP directly for more information, today there is nobody at DEM to ask.

The work of restoring these services requires a dedicated professional that is preferably not situated in a natural resource agency. The former RINHP was located in the DEM Division of Planning and Development. The budget would be small, requiring just one FTE with office expenses, including GIS, absorbed in the Division's budget. There should also be additional funds to support the Rhode Island Natural History Survey, the nonprofit organization that currently maintains the Natural Heritage Database.

With reestablishment of the NHP there is no need for a legislative directive to implement the NACA. But, there is need for the Legislature to address the additional more controversial issue of state land management that cannot be solved by reestablishing the NHP. For example, although the NHP should have a voice in long range management planning of state lands, the NHP cannot compel DEM to write those plans. That may require attention by the legislature.

In an article published in *ecoRI News* on November 30, 2023, I wrote in more detail about the issues covered in this testimony. That article was written after the second iteration of the Old Growth Forest Act had been considered by the General Assembly, and I reviewed some of the deceptive testimony that had been offered in opposition to the bill. Additionally, at the end of the article I offered suggestions for addressing some of the issues raised in H7914. Here is the link to that article:

<https://ecori.org/wildlife-management-to-boost-hunting-chokes-biodiversity-ignores-climate-crisis/>

The House Committee on the Environment and Natural Resources is now considering the fifth iteration of the original 2022 bill, and I would think Representatives would be wondering why DEM has done nothing to address the issues raised in the original 2022 bill, and have been repeated in every iteration since?

It is clear DEM, and all of State government, is not interested in the conservation of biodiversity, even when they understand the vital importance of diverse, natural ecosystems in mitigating climate change. With a couple of rare exceptions, the places worthy of designation as natural areas are on theoretically conserved lands. These places will be the touchstones for future generations to understand what this place called Rhode Island once was. Their designation will translate to future generations our reverence of these places, the last refuges of our natural heritage.

Respectfully submitted,

Rick Enser

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