

Final Report

Submitted April 1, 2024

TABLE OF CONTENTS

Commission Members		Page 2
A Letter from Chairwoman Megan Cotter		Page 3
Commission Findings		Pages 4-9
Commission Recommendations		Page 10-11
Appendices:		
•	Appendix A - Enabling Resolution	Page 12
•	Appendix B - Meeting Agendas	Page 13
•	Appendix C - Written Testimony, Presentations, and Material	Page 14



Commission Members

- Representative Megan Cotter, Chair D District 39 Exeter, Richmond,
 Hopkinton
- Representative Michael Chippendale R District 40 Foster, Glocester,
 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

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

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 two-hundred and thirty-eight (238) 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.
- Invasive diseases and insects have contributed to excessive dead wood, and that, together with the impact of climate change, has exacerbated the risk and severity of forest fires.
- 4. According to Christopher Modisette and Melissa Hayden of the Natural 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 ("<u>FMP</u>") 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:
 - 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.
- 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 ("<u>FMAG</u>") 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;
- 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.
- **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 other 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 dryhydrants 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 from the threat of forest fires;
 - b. Increase funding for potential, additional staff positions within RIDEM;
 - c. 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;
 - d. 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 and to include forest fire prevention and mitigation in the statutory powers and duties of the FCC;
 - e. RIDEM shall contact each landowner with over five-hundred (500) acres of forested land and advise them on how to complete an FMP that includes a fire safety component approved by a local fire department; and,
 - f. RIDEM shall contact municipalities and advise them on how to revise existing comprehensive plans to include forest fire mitigation provisions and the municipalities shall include such provisions in any future comprehensive plans.
- 2. EMA shall contact municipalities and advise them on how to obtain contact information for all landowners within their jurisdiction, and municipalities shall provide such contact information to the local fire department and to EMA for the purpose of notifying the landowner in the event of a potential forest fire emergency.
- 3. RIDEM shall re-evaluate the practice of using boulders to block or obstruct entrances and exits to access roads for forested areas, and private landowners shall not use boulders to block or obstruct such entrances and exits.
- 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 shall further develop a forest fire training component to be taught at the Rhode Island Fire Academy.

Commission Recommendations (continued)

6. RIDEM shall develop standardized brochures, handouts, and electronic materials containing key information and resources on land management and make such information and materials available on its website; EMA, and partner organizations, shall utilize RIDEM's information and materials when conducting outreach to landowners.

Appendix A - Enabling Resolution

2023 -- H 6342

(See attached)

LC002879

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

HOUSE RESOLUTION

CREATING A LEGISLATIVE STUDY COMMISSION TO EVALUATE AND PROVIDE RECOMMENDATIONS ON PROPER FOREST MANAGEMENT FOR FIRE PREVENTION

<u>Introduced By:</u> Representatives Cotter, Chippendale, Casimiro, Spears, Kennedy, Speakman, and Carson

Date Introduced: April 28, 2023

Referred To: House Environment and Natural Resources

ì WHEREAS, Actively managing forests can actually help restore ecosystem health, 2 improve habitat quality and reduce severe fire risks; and 3 WHEREAS, Accurately diagnosing and managing these forest health threats is the first 4 step to protecting forests from harm ensuring they will grow into the future; now, therefore be it RESOLVED, That a special legislative commission be and the same is hereby created 5 6 consisting of twelve (12) members: two (2) of whom shall be members of the House of 7 Representatives, not more than one from the same political party, to be appointed by the Speaker 8 of the House; one of whom shall be the Director of the RI Department of Environmental 9 Management, or designee; one of whom shall be the Director of the Rhode Island Emergency 10 Management Agency, or designee; one of whom shall be the President of the Rhode Island State 11 Association of Fire Fighters, or designee; one of whom shall be a member of the Forest 12 Conservation Commission, to be appointed by the Director of the RI Department of 13 Environmental Management; one of whom shall be the Executive Director of the Rhode Island 14 Land Trust Council, or designee; one of whom shall be the President of the Rhode Island Forest 15 Conservators Organization, or designee; one of whom shall be the President of the Rhode Island 16 Association of Fire Chiefs, Inc., or designee; one of whom shall be the former Rhode Island Chief 17 of Forestry, or designee; one of whom shall be a member of the Rhode Island Association of 18 Conservation Districts, to be appointed by the Speaker of the House; and one of whom shall be 19 the State Director of The Nature Conservancy (TNC), or designee.

1	In lieu of any appointment of a member of the legislature to a legislative study
2	commission, or any commission created by a General Assembly resolution, the appointing
3	authority may appoint a member of the general public to serve in lieu of a legislator; provided
4	that, the majority leader or the minority leader of the political party which is entitled to the
5	appointment consents to the appointment of the member of the general public.
6	The purpose of said commission shall be to find solutions for proper forest management
7	for fire prevention in Rhode Island.
8	The membership of said commission shall receive no compensation for their services.
9	All departments and agencies of the state shall furnish such advice and information,
10	documentary and otherwise, to said commission and its agents as is deemed necessary or
11	desirable by the commission to facilitate the purposes of this resolution.
12	The Speaker of the House is hereby authorized and directed to provide suitable quarters
13	for said commission; and be it further
14	RESOLVED, That the commission shall report its findings and recommendations to the
15	House of Representatives no later than February 28, 2024, and said commission shall expire on
16	April 30, 2024.

LC002879

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

HOUSE RESOLUTION

CREATING A LEGISLATIVE STUDY COMMISSION TO EVALUATE AND PROVIDE RECOMMENDATIONS ON PROPER FOREST MANAGEMENT FOR FIRE PREVENTION

This resolution would create a twelve (12) member legislative commission whose purpose it would be to evaluate and provide recommendations on proper forest management for fire prevention, and who would report back to the House no later than February 28, 2024, and

LC002879

whose life would expire on April 30, 2024.

LC002879 - Page 3 of 3

Appendix B - Meeting Agendas

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

NOTICE OF MEETING

DATE: Tuesday September 12, 2023

TIME: 3:00 PM PLACE: Room 135

AGENDA:

I. Call Meeting to Order

II. Election of Chairperson

III. Discussion of Resolution

IV. Next meeting date

V. Adjournment

No Public Testimony will be accepted at this meeting.

If you have any questions please contact Derrik Trombley, <u>dtrombley@rilegislature.gov</u>, 401-222-1258.

ACCOMMODATIONS

The General Assembly strives to make the legislative process accessible to all. Anyone needing an accommodation to attend or testify at a legislative hearing, please contact Stacy Custer at scuster@rilegislature.gov or 401-222-7904, at least 48 hours in advance of the scheduled meeting.

TELEVISION AND LIVESTREAM INFORMATION

The meeting will be televised on Capitol Television on: Cox Communications, channels 15 and 61, and in high definition on Cox Channel 1061; on i3 Broadband (formerly Full Channel) on channel 15; and on Verizon, channel 34.

It will also be live streamed at https://www.rilegislature.gov/CapTV/Pages/default.aspx

NOTICE OF MEETING

DATE: Thursday October 12, 2023

TIME: 3:00 PM PLACE: Room 135

AGENDA:

I. Call Meeting to Order

II. Presentations

- TeeJay Boudreau, Rhode Island Department of Environmental Management.
- Chief Scott Kettelle, Rhode Island Association of Fire Chiefs, Inc.
- Chief Scott Barber, Richmond Carolina Fire District
- Chief Robert C. Franklin, Exeter #2 Volunteer Fire Company
- Chief Scott D. Gavitt, Exeter #1 Volunteer Fire Department.
- III. Next meeting date
- IV. Adjournment

No Public Testimony will be accepted at this meeting.

COMMISSION INFORMATION

For information on commissions, CLICK HERE.

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Livestreaming is available at https://www.rilegislature.gov/CapTV/Pages/default.aspx.

NOTICE OF MEETING

DATE: Thursday November 16, 2023

TIME: 4:00 PM PLACE: Room 135

AGENDA:

I. Call Meeting to Order

II. Presentations:

- a. Michael Goldberg, Esq., Rhode Island State House Legislative Council.
- b. Thomas J. Guthlein, Deputy Director, Rhode Island Emergency Management Agency.
- c. Armand Randolph, External Affairs, Rhode Island Emergency Management Agency.
- III. Public Testimony
- IV. Next meeting date
- V. Adjournment

Public Testimony will be accepted at this meeting.

COMMISSION INFORMATION

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PUBLIC TESTIMONY

In-person and written testimony will be accepted by the Commission.

Please email written testimony to Derrik Trombley at dtrombley@rilegislature.gov and indicate your name and organization (when applicable). It is recommended to send written testimony in PDF format. Written testimony will be: distributed to Commission members, posted to the General Assembly website, and may be accessible via internet search engines. Written testimony received twenty-four (24) hours in advance of the Commission meeting will be distributed to Commission members at that meeting.

NOTICE OF MEETING

DATE: Tuesday January 23, 2024

TIME: 2:00 PM PLACE: Room 135

AGENDA:

I. Call Meeting to Order

- II. Presentations
 - a. Phoenix Wheeler, Director of Advocacy, Audubon Society of Rhode Island.
 - b. Sue Anderbois, Director of Climate and Government Relations, The Nature Conservancy.
 - c. Christopher Modisette, Resource Conservationist, National Resources Conservation Service.
 - d. Melissa Hayden, State Biologist, National Resources Conservation Service.
- III. Public Testimony
- IV. Next Meeting Date
- V. Adjournment

Public Testimony will be accepted at this meeting.

COMMISSION INFORMATION

For information on commissions, CLICK HERE.

If you have any questions, please contact Derrik Trombley at <a href="https://dream.nih.gov/dream.ni

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PUBLIC TESTIMONY

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NOTICE OF MEETING

DATE: Friday February 2, 2024

TIME: 2:00 PM

PLACE: Room 135 - State House

AGENDA:

I. Call Meeting to Order

II. Discussion on Potential Findings and Recommendations

III. Next meeting date

IV. Adjournment

No Public Testimony will be accepted at this meeting.

COMMISSION INFORMATION

For information on commissions, CLICK HERE.

If you have any questions, please contact Derrik Trombley at <a href="https://dream.nih.gov/dream.ni

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Livestreaming is available at https://capitoltvri.cablecast.tv.

NOTICE OF MEETING

DATE: Monday March 4, 2024

TIME: 1:00 PM

PLACE: Room 135 – State House

AGENDA:

I. Call Meeting to Order

II. Discussion and Review of Draft Commission Report

III. Adjournment

No Public Testimony will be accepted at this meeting.

COMMISSION INFORMATION

For information on commissions, CLICK HERE.

If you have any questions, please contact Derrik Trombley at <a href="https://dream.nih.gov/dream.ni

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Livestreaming is available at https://capitoltvri.cablecast.tv/

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