



Rhode Island Department of Environmental Management Division of Marine Fisheries

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February 20, 2026

RE: Statement of Imminent Peril

To Whom it may concern;

Over the past two months, the region has experienced prolonged periods of extreme cold weather. As a result, shellfishing operations in the Providence and Seekonk Rivers have been functionally impossible on most designated open days, as defined in § 250-90-00-4.7.2.W. Vessels have been frozen in place and unable to safely navigate or harvest shellfish on dates when the fishery was legally open. These conditions have prevented lawful harvest activity and have caused significant economic harm to local shellfishing businesses that rely on regular access to open harvest days.

The next scheduled open day was anticipated to occur on February 23, 2026. However, the National Weather Service has issued a Winter Storm Watch for the region, as well as a Small Craft Advisory for the applicable marine area. These advisories indicate hazardous marine and weather conditions that present risks to vessel operators and crew safety, further limiting the ability of shellfishermen to safely access the resource on the scheduled open date.

Because February 23, 2026 is the first legally designated open date currently available to these shellfishermen that week, requiring the fishery to remain open on that date would effectively force harvesters to choose between risking their lives and vessels in hazardous storm conditions or foregoing their only lawful opportunity to harvest, thereby sustaining further economic harm. This creates an untenable situation that threatens both human health and safety and the economic viability of the affected businesses.

Absent immediate regulatory relief, shellfishing businesses will continue to face both unsafe working conditions and the loss of additional harvest opportunities, compounding ongoing economic hardship. The combination of prolonged extreme cold, frozen vessels, and the issuance of active weather and marine advisories constitutes circumstances that were not reasonably foreseeable and that require prompt administrative action. Accordingly, this emergency regulation change is requested to allow shellfish harvest to occur on Tuesday, February 24, 2026, in the interest of protecting human health and safety while providing a safe and practicable opportunity for lawful harvest. This action is necessary to mitigate ongoing economic harm and to ensure that harvesting activity may occur under safer environmental and marine conditions.

For these reasons, the circumstances described herein constitute an imminent peril to public welfare and justify the adoption of an emergency regulation.