

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF THE DIRECTOR
EMERGENCY REGULATIONS**

Pursuant to the authority vested in the RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT by Title 20 of the General Laws of the State of Rhode Island, I, JAN H. REITSMA, in my capacity as Director, of the Rhode Island Department of Environmental Management (the "DEM"), hereby adopt as emergency regulations, "REGULATION ESTABLISHING AN OIL SPILL EMERGENCY CLOSURE ZONE," which is delineated hereto and referenced in the Prohibition Regulation in Attachment 1.

Pursuant to R.I. General Laws §§ 42-35-3(b) and 42-35-4(b)(2), I find that an imminent peril exists to the public health and welfare which requires adoption of these emergency regulations without prior notice or hearing. Specifically, on Tuesday, February 19, 2002, the fishing vessel Forager took on water and sunk approximately 100 feet inside the West Passage of the breakwater at the Harbor of Refuge in Pt. Judith, Rhode Island. The fishing vessel has on board an estimated 3000 gallons of diesel fuel oil, an undetermined amount of which has been discharged into the water. Any marine organisms exposed to this pollutant are or will become unfit for human consumption and injurious to the public health if so consumed. It is, therefore, necessary and appropriate to prohibit the possession of any marine organisms, of any sort, which was located in the oil spill emergency closure zone from February 22, 2002, until such time as the Director of the Department of Environmental Management provides notice that the oil spill zone is terminated. No commercial or recreational fishing is allowed in the closure zone. The zone of oil spill contamination may change over time in size, location, and configuration in response to prevailing weather and sea conditions, and the aforementioned oil spill emergency closure zone may, therefore, be modified as necessary and appropriate.

As of this date, however, and until further notice, the oil spill emergency closure zone includes the area described as follows and is

enclosed by the following lines: The waters within of the Harbor of Refuge including Point Judith Pond south of a line running between High Point (north of Snug Harbor) and Strawberry Hill (Great Island). The closure will be west of the Great Island Bridge, leading to Great Island, and east of the Succotash Road bridge, in East Matunuck. All waters within this boundary, up to the high-water mark are closed to the taking of all marine organisms. All other shellfish closures shall be observed as referenced in the May 2000 - May 2001 shellfish closure map.

Further, it is my opinion that the peril sought to be redressed by these regulations dictates that they become effective in less than the twenty (20) days that is normally required by R.I. Gen. Laws §§ 42-35-1 et seq.

WHEREFORE, this regulation becomes effective on filing.

DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT

DATE

JAN H. REITSMA, DIRECTOR

ATTACHMENT 1

**OFFICE OF THE DIRECTOR
EMERGENCY REGULATIONS**

**PROHIBITION ON THE POSSESSION OF ANY MARINE ORGANISMS
TAKEN IN THE EMERGENCY OIL SPILL ZONE**

- 1.0 Prohibition on the taking, marketing, or possession of any marine organisms in the emergency oil spill zone - It shall be unlawful to possess any marine organisms and haul any fishing gear, which were located within the emergency oil spill zone from February 22, 2002 up to and including the date that the Director of the Department of Environmental Management (DEM) provides notice that the zone is terminated. Any vessel transiting the area must close its circulating seawater system if it possesses any marine species.

The emergency oil spill zone is depicted in Exhibit 1, attached hereto and defined as follows: The closure zone is enclosed by the following lines, beginning at the waters within of the Harbor of Refuge including Point Judith Pond south of a line running between High Point (north of Snug Harbor) and Strawberry Hill (Great Island). The closure will be west of the Great Island Bridge, leading to Great Island, and east of the Succotash Road bridge, in East Matunuck. All waters within this boundary, up to the high-water mark are closed to the taking of all marine organisms. All other shellfish closures shall be observed as referenced in the May 2000 - May 2001 shellfish closure map. The designated zone may be modified from time to time and upon notice to the public.

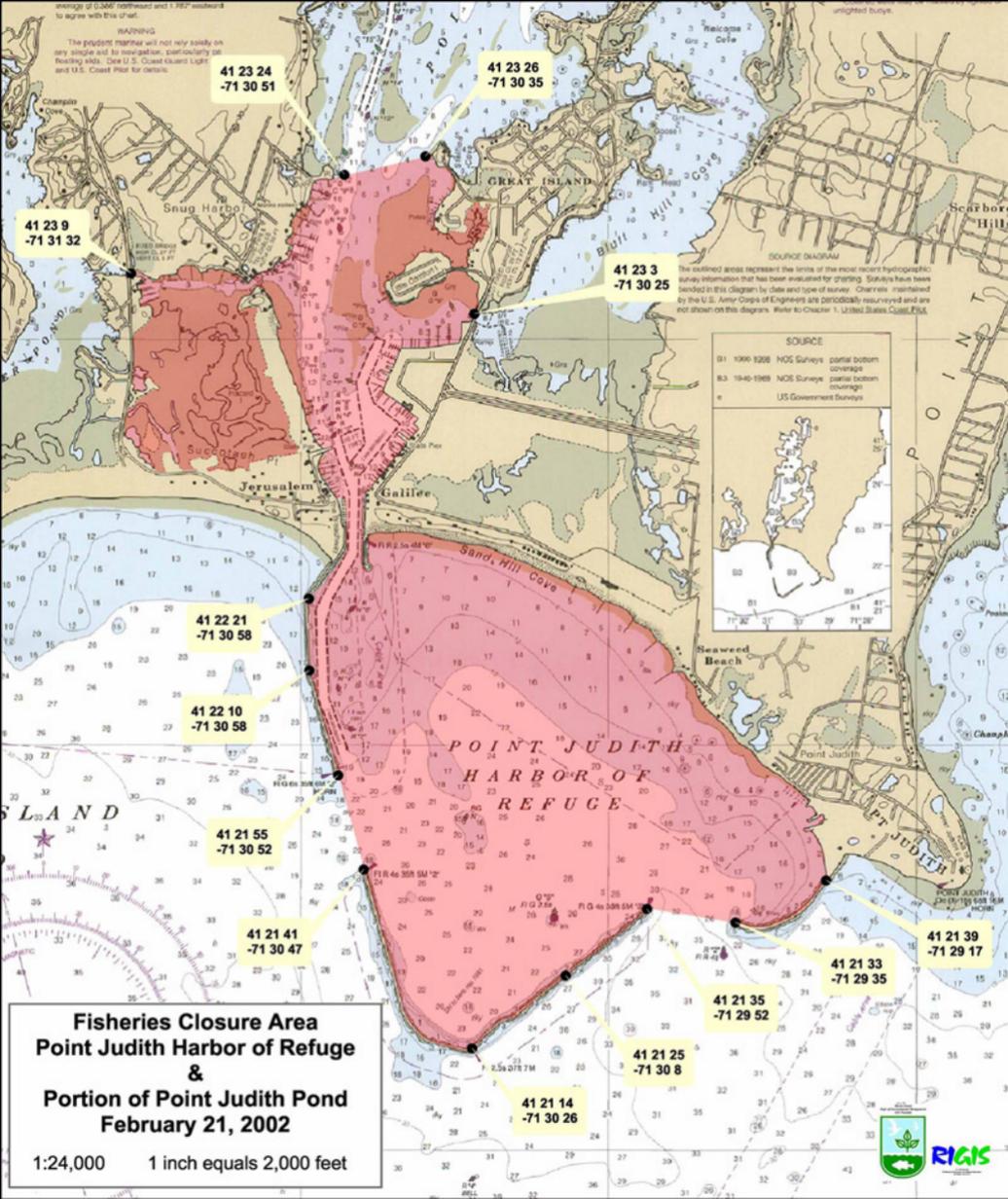
This regulation becomes effective upon filing with the Secretary of State.

Date: _____/_____/_____

Department of Environmental Management

Jan H. Reitsma

Director



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-71 30 51

41 23 26
-71 30 35

41 23 9
-71 31 32

41 23 3
-71 30 25

41 22 21
-71 30 58

41 22 10
-71 30 58

41 21 55
-71 30 52

41 21 41
-71 30 47

SOURCE DIAGRAM

The covered areas represent the limits of the most recent hydrographic survey information that has been evaluated for charting. Surveys have been conducted in this diagram by date and type of survey. Charted information by the U.S. Navy Corps of Engineers are probably more recent and are not shown on this diagram. Refer to CHARTER 1, UNITED STATES COAST AND GEODETIC SURVEY.

SOURCE

81 1990-1998	NOS Surveys	partial bottom coverage
83 1940-1988	NOS Surveys	partial bottom coverage
8	US Government Surveys	moorings

**Fisheries Closure Area
Point Judith Harbor of Refuge
&
Portion of Point Judith Pond
February 21, 2002**

1:24,000 1 inch equals 2,000 feet

41 21 14
-71 30 26

41 21 35
-71 29 52

41 21 33
-71 29 35

41 21 39
-71 29 17

