



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

March 26, 2012

FGX International, Inc.  
Gerald Kitchen, Executive Vice President - Operations  
500 George Washington Highway  
Smithfield, RI 02917

**RE:** Application No. 12-0015 in reference to the property located:

Approximately 600 feet north of Washington Highway (Route 116), approximately 500 feet east of the intersection of Washington Highway (Route 116) and Rocky Hill Road, Assessor's Plat 48, Lot 17B, Smithfield, RI.

Dear Mr. Kitchen:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your Request to verify the delineated edge of freshwater wetlands. This review included an inspection of the above referenced property ("subject property") as described by the site plans and supportive information submitted with your application received by the DEM on January 23, 2012 and on February 1, 2012.

Based upon the Program's observations and review, it is our determination that freshwater wetlands are present on or are in close proximity to the subject property. These freshwater wetlands are regulated by this Department and include at least the following types:

- Swamp
- Perimeter Wetland (that area of land within 50 feet of the edge of any bog, marsh, swamp, or pond)
- Forested Wetland
- Stream/Intermittent Stream
- Riverbank Wetland (that area of land within one hundred feet (100') of the edge of any flowing body of water having a width of less than ten feet (10') during normal flow)
- Area Subject to Storm Flowage (ASSF)
- Flood Plain (based on a 100 year frequency storm)

The DEM has completed an inspection and review of the wetland edges delineated by you on-site. It is our determination that those wetland edges delineated on-site are substantially accurate. Corrections and/or modifications to the delineated edge are required, however, which include the following:



**A-series flags A6 through A9 Forested Wetland**

- No modifications.

**B-series flags B2 through B13 Forested Wetland**

- Remove B5 and connect B4 to B6.
- Relocate B7 northerly (upslope) 25 feet.
- Relocate B11, B12 and B13 southerly (down slope) 15 feet.

**C-series flags C1 through C11 Forested Wetland**

- Remove C3.
- Relocate C4 northerly (down slope) 15 feet and connect it to C2 and C5.

**D-series flags D1 through D107 and associated ASSF-series flags ASSF1 through ASSF 9**

The ASSF-series flags are verified as an **Area Subject to Storm Flowage**.

The site plans depict all of the D-series flags as delineating the edge of a Swamp. However, they represent the edges of a **Swamp, Stream, two (2) Forested Wetlands, and two (2) Areas Subject to Storm Flowage** as indicated below.

**D1 through D52; D100 through D107 Swamp**

- Relocate D12 northerly (down slope) 20 feet.
- Relocate D21 northwesterly (down slope) 15 feet.
- Remove D22.
- Relocate D23 northwesterly (down slope) 20 feet and connect it to relocated D21.
- Relocate D24 northwesterly (down slope) 15 feet.
- Relocate D25 northwesterly (down slope) 30 feet.
- Relocate D26 northwesterly (down slope) 15 feet.
- Relocate D47 southerly (upslope) 25 feet.
- Relocate D52 northwesterly (down slope) 20 feet and connect it to D51 and D100.
- Relocate D104 southerly (upslope) 10 feet.
- Relocate D105 southerly (upslope) 10 feet.

**D53 through D56; D89 through D92; D98 and D99 Stream**

For clarification sake, these flags depict only a stream channel, not Swamp. The Stream flows into the Swamp down slope of flag D99. (Flags D53 through D56 represent the westerly side of the Stream and D89 through D92, D98, and D99 represent the easterly side of the Stream).

**D57 through D68; and D76 through D88 Forested Wetland**

- Relocate D57 southeasterly (upslope) 15 feet and connect it to D56 and D88 to represent the northerly edge of the Forested Wetland.
- Connect D68 to D76 to represent the southwesterly edge of the Forested Wetland.
- Add a flag (D81A) 20 feet southerly (upslope) and roughly equidistant between D81 and D82 and connect it to D81 and D82.

**D68 through D76 Area Subject to Storm Flowage**

This ASSF originates at the flared end of a culvert represented by flags D71 and D72. It ends at approximately flag D76 where it flows into the aforementioned Forested Wetland. (Flags D68 to D71 represent the westerly side of the ASSF; D72 to D76 represent the easterly side of the ASSF).

**D93 through D98 Forested Wetland and Area Subject to Storm Flowage**

- D94 through D97 delineate a small Forested Wetland. Connect D94 to D97 to represent the northerly wetland edge.
- An Area Subject to Storm Flowage originates at flag D94 and flows into the aforementioned Stream at approximately D98. To represent the location of the ASSF, keep the connection between D93 and D94 and connect D93 to D98.

**E-series flags E1 through E6 and ASSF-series flags ASSF1 and ASSF 2 Forested Wetland**

- Remove ASSF1.
- Connect ASSF2 with E3 and E4 to represent the southeasterly wetland edge.

**F-series flags F1 through F6 and ASSF-series flags ASSF 3 and ASSF4 Forested Wetland**

- Relocate ASSF3 upslope 15 feet northwesterly and connect it to F1 and F6 to represent the northwesterly wetland edge.
- Remove ASSF4.

**G-series flags G2 through G56 Swamp; ASSF1 through ASSF7 Area Subject to Storm Flowage**

- Relocate G4 easterly (down slope) 20 feet.
- The ASSF begins at G41. Connect ASSF1 to G41 to represent the southerly portion of the ASSF.
- Connect G55 to D1 to represent the westerly edge of the Swamp.

**H-series flags H1 through H7**

- The delineated area is not a freshwater wetland.

Please note that our inspection of the subject property has revealed the presence of other freshwater wetlands not specifically delineated by you. Therefore, you should not infer that any verification of wetland edges carried out by this Department to date represents a determination that this is the extent of all wetlands on your property. The Department has verified only those edges delineated and shown by you on-site and on site plans submitted with your application and as qualified in this letter. Additional wetlands are present along the western most property line immediately southwest of the northwestern most corner of the existing building. Additionally, an additional Area Subject To Storm Flowage was observed branching off from the verified ASSF in the vicinity of Flag G33. There are also extended portions of the currently depicted stream channels in the D and G series swamp. Should you wish to verify the edge of these additional wetlands, an additional application will be required.

This letter does not constitute an approval or permit for any proposed project on the subject property. Pursuant to Section 2-1-21(a) of the Freshwater Wetlands Act and the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act (Rules) a permit is required from this Program prior to the commencement of any activity which impacts or alters freshwater wetlands.

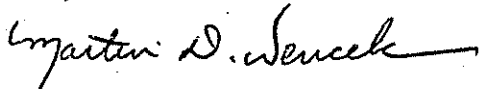
This Program assumes that the edges of freshwater wetlands, as flagged or marked on site, have been accurately surveyed and portrayed on site plans submitted in support of your application. This Program makes no guarantee or representation that such survey is accurate.

In addition, you should note that freshwater wetlands are present on this property which may be regulated under Section 404 of the Clean Water Act (Federal Water Pollution Control Act, as amended 33 U.S.C. 1344). Accordingly, a permit may be required from the U.S. Army Corps of Engineers for alteration of these wetland areas.

In accordance with Rule 8.03(H) of the Rules, this verification of the delineated edge of freshwater wetlands is valid for a limited period of four (4) years from the date of issue.

Please contact Jane Kelly of this Office telephone: (401-222-6820, ext. 7420) should you have any questions regarding this letter.

Sincerely,



Martin D. Wencek, Permitting Supervisor  
Office of Water Resources  
Freshwater Wetlands Program  
MDW/JEK/jek

Xc: Scott P. Rabideau, Principal Biologist, Natural Resource Services, Inc.  
Richard S. Lipsitz, P.L.S., Waterman Engineering Company