In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, “permit” means “approval, certification, registration, authorization, waiver, etc.” Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.

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<tr>
<th>Permit Number(s)</th>
<th>Type of Approval(s)</th>
<th>Approval Date</th>
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<tr>
<td>0408-11-0006.3  FWW130001</td>
<td>Freshwater Wetlands Individual Permit</td>
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<td>WFD130001</td>
<td>Waterfront Development Upland Individual Permit</td>
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<td>WFD130002</td>
<td>Waterfront Development In-Water Individual Permit</td>
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<td>Water Quality Certificate</td>
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<th>Expiration Date</th>
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<tr>
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<td>NJSA 13:9B FWW</td>
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<td>NJSA 12:5-3 WFD</td>
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<td>NJSA 58:10A-1 POLLUTION</td>
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<td>NJSA 40:55D-93-99SWM</td>
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</table>

**Permittee:**
Cooper’s Ferry Partnership  
2 Riverside Dr. Suite 501  
Camden, NJ 08103

**Site Location:**  
Block(s) & Lot(s): [886, 6] [892, 10] [892, 11] [892, 12] [892, 15] [892, 16] [892, 30] [893, 3]
Municipality: Camden City  
County: Camden

**Description of Authorized Activities**

This permit authorizes the construction of a stormwater outfall, the re-construction 750 feet of Baldwins Run (stream daylighting), and the construction of nature trails and a timber pier in the City of Camden, Camden County.

This Permit authorizes the permanent disturbance of 13,959 square feet (0.320 acres) of freshwater wetlands, the temporary disturbance of 26,354 square feet (0.605 acres) of freshwater wetlands, the permanent disturbance of 29,490 square feet (0.677 acres) of freshwater wetlands transition area, the temporary disturbance of 40,859 square feet (0.938 acres) of freshwater wetlands transition area, and 8,750 square feet (0.201 acres) of riparian zone. The impacts to these regulated areas are necessary for the activities listed above.

This permit is authorized under, and in conditional compliance with, the Rules on Coastal Zone Management, N.J.A.C. 7:7E-1.1 et seq., and the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A-1.1 et seq., as referenced within the Summary Report prepared by Division Staff.

**Prepared by:**

Brian Quinn

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**THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT, OR OTHER REGULATED ACTIVITY, MAY BE UNDERTAKEN UNTIL THE APPLICANT HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH HEREIN.**

This permit is not valid unless authorizing signature appears on the last page.
CONDITIONS APPLICABLE TO ALL LAND USE PERMITS:

1. In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this approval may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at http://www.nj.gov/dep/bulletin and the Checklist is available through the Division’s website at http://www.nj.gov/dep/landuse/forms/lurpaahr.pdf. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website www.nj.gov/dep/odr for more information about this process;

2. The permittee, its contractors and subcontractors shall comply with all conditions of this permit, supporting documents and approved drawings; and

   i. Plans and specification in the application and conditions imposed by this permit shall remain in full force and effect so long as the proposed development or any portion thereof is in existence, unless modified by the Department in writing;

   ii. If this permit contains a condition that must be satisfied prior to the commencement of construction, the permittee must comply with such condition(s) within the time required by the permit or, if no time specific requirement is imposed, then within six months of the effective date of the permit, or provide evidence satisfactory to the Department that such condition(s) cannot be satisfied; and

   iii. Any noncompliance with this permit constitutes a violation, and is grounds for enforcement action, as well as suspension and/or termination of the permit; This approval does not in any way affect the right of the State to seek and collect monetary penalties or to take other enforcement action, should it be determined that a violation has occurred onsite;

3. It shall not be a defense for this permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit;

4. The permittee shall take all reasonable steps to prevent, minimize or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit;

5. The issuance of this permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction, structure or structures. Neither the State nor the Department shall, in any way, be liable for the loss of life or property which may occur by virtue of the activity of development resulting from any permit;

6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of this permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure
of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit;

7. This permit can be modified, suspended or terminated for cause. The filing of a request to modify an issued permit by the permittee, or a notification of planned changes or anticipated noncompliance does not stay any condition of this permit;

8. This permit does not convey any property rights of any sort, or any exclusive privilege;

9. A copy of the permit and other authorizing documents including all approved plans and drawings shall be maintained at the authorized site at all times and made available to Department representatives or their designated agents immediately upon request.

   i. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with this permit or to determine whether cause exists for suspension or termination of this permit; and

   ii. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permit;

10. The permittee shall allow an authorized representative of the Department, upon notification under current rule and upon the presentation of credentials, to:

   i. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;

   ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and

   iii. Inspect at reasonable times any facilities, equipment, practices or operations regulated or required under the permit. Failure to allow reasonable access under this section shall be considered a violation of this chapter and subject the permittee to enforcement action;

   iv. Sample or monitor at reasonable times for the purposes of assuring compliance with applicable rules;

11. No change in plans or specifications upon which this permit is issued shall be made except with the prior written permission of the Department;

12. The permittee shall provide reports to the Department as follows:

   i. Monitoring results shall be reported at the intervals specified elsewhere in this permit;

   ii. The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. In addition, the permittee shall report all noncompliance to Bureau of Coastal and Land Use Compliance and Enforcement, 401 E. State Street, 4th Floor, P.O. Box 422, Mail Code: 401-04C, Trenton, NJ 08625, in writing within five business days of the time the permittee becomes aware of the noncompliance. The written notice shall include: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated length of time it
is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter;

iii. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information;

13. Development which requires soil disturbance, the creation of drainage structures, or changes in natural contours shall conduct operations in accordance with the latest revised version of “Standards for Soil Erosion Sediment Control in New Jersey,” promulgated by the New Jersey State Soil Conservation Committee, pursuant to the Soil Erosion and Sediment Control Act of 1975, N.J.S.A. 4:24-42 et seq. and N.J.A.C. 2:90-1.3 through 1.14. and must obtain any required approvals from the local Soil Conservation District;

14. If any condition of this permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect the public interest;

15. This permit is not transferable to any person unless the transfer is approved by the Department;

16. The permittee must obtain any and all other Federal, State and/or Local approvals. Authorization to undertake a regulated activity under these rules does not indicate that the activity also meets the requirements of any other rule, plan or ordinance. It is the applicant’s responsibility to obtain all necessary approvals for a proposed project;

17. While the regulated activities are being undertaken, neither the permittee nor its agents shall cause or permit any unreasonable interference with the free flow of a regulated feature by placing or dumping any materials, equipment, debris or structures within or adjacent to the regulated area. Upon completion or abandonment of the work, the permittee and/or its agents shall remove and dispose of in a lawful manner all excess materials, debris, equipment, silt fences and other temporary soil erosion and sediment control devices from all regulated areas. Only clean non-toxic fill shall be used where necessary;

18. All excavated material and dredge material shall be disposed of in a lawful manner. (For example, it should be placed outside of any flood hazard area, riparian zone, regulated water, freshwater/coastal wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area);

19. If this document includes a Coastal Permit or a Flood Hazard Verification then, this document shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this project is located. Verified notice of this action shall be forwarded to the Department immediately thereafter.

CONDITIONS APPLICABLE TO FRESHWATER WETLANDS AND COASTAL RULES:
20. The total amount of disturbance associated with this authorization shall not exceed 0.925 acres (40,293 SF) of freshwater wetlands, 1.615 acres (70,349 SF) of freshwater wetlands transition area, and 0.201 acres (8,750 SF) of riparian zone.

21. Any additional un-permitted disturbance of freshwater wetlands, State open waters and/or transition areas other than those shown on the approved plans shall be considered a violation of the Freshwater Wetlands Protection Act Rules unless the activity is exempt or a permit is obtained from the Department prior to the start of the proposed disturbance.

22. The permittee shall obtain all necessary consent from affected off-site and easement property owners. No work is to occur without proper permissions.

23. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, NJDEP, P.O. BOX 422, East State Street, Trenton, NJ 08625-0422, at least seven days prior to the commencement of site preparation, or of regulated activities, whichever comes first. The notification shall contain proof of recording of a conservation restriction or easement, if one was required as part of the permit.

24. The permittee will be responsible for the installation of a sediment barrier around all disturbed soils, which is sufficient to prevent the sedimentation of the remaining wetlands and transition area.

25. Any and all precautions must be taken to prevent raw concrete [e.g. abutments/footings] from coming in contact with the waters of the tributary; raw concrete is toxic to aquatic biota.

26. The permittee shall be responsible for preserving and minimizing vegetation disturbances within the wetland transition areas. All temporary disturbances around the proposed construction shall be replanted with native herbaceous and woody vegetation where applicable and not maintained as lawn or landscaped area.

27. Prior to construction, all of the trees as shown on the referenced plan which are NOT to be removed shall be marked and protective construction fence must be placed around each tree for the duration of construction until the site is stabilized.

28. In order to protect the warm water game fish and pickerel species within Delaware River Back Channel, any proposed grading or construction activity, which could introduce sediment into State open waters or which could cause an increase in the natural level of turbidity, is prohibited between April 1 and June 30 of each year.

29. This permit is issued subject to compliance with N.J.A.C 7:7-1.5 Permits and Permit conditions.

30. By the issuance of this permit, the State of New Jersey does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties.

CONDITIONS APPLICABLE TO SPECIFIC PROJECT:
31. In order to protect the bald eagle habitat in the area, the authorized construction activities are prohibited from December 15th until July 31st.

32. To protect bald eagles and their habitat the removal of trees 8 inch diameter base height (dbh) or greater is prohibited without prior authorization from the Department.

33. Prior to site preparation or construction within Federally regulated areas, the permittee must obtain approval from the Department of the Army.

34. The Department has determined that this project meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8. Any future expansion or alteration of the approved site plan, which would affect water quality, increase the rate or volume of stormwater leaving the site, affect the infiltration capacity on the site, or alter the approved low impact site design, shall be reviewed and approved by the Department prior to construction. This includes any proposed changes to the discharge characteristics of any basin, the construction of new inlets or pipes that tie into the storm sewer network and/or the replacement of existing inlets or pipes with structures of different capacity.

FRESHWATER WETLAND MITIGATION PERMIT CONDITIONS:

1. The permittee shall mitigate for the permanent disturbance of 0.320 acres of forested wetlands and for the temporary disturbance of 0.605 acres of herbaceous wetlands through an on-site or off-site creation, restoration or enhancement project or with the purchase of credits from a mitigation bank serving the appropriate watershed management area in accordance with the mitigation hierarchy. (N.J.A.C. 7:7A-15 et seq)

2. All mitigation shall be conducted prior to or concurrent with the construction of the approved project (N.J.A.C. 7:7A-15.3(a)1). Concurrent means that at any given time, the mitigation must track at the same or greater percentage of completion as the project as a whole.

3. If the permittee fails to perform mitigation within the applicable time period the acreage of mitigation required shall be increased by 20 percent each year after the date mitigation was to begin (N.J.A.C. 7:7A-15.3(b)).

4. At least 90 days prior to the initiation of regulated activities authorized by this permit, the permittee shall submit a mitigation proposal to the Division of Land Use Regulation (Division) for review and approval. Activities authorized by this permit shall not begin until the permittee has obtained written approval of a mitigation plan from the Department (N.J.A.C. 7:7A-15.11(a)1).

5. If the applicant is considering obtaining land to satisfy a mitigation requirement, the Department strongly recommends that the permittee obtain the Division’s conceptual review and approval of any land being considered as a potential mitigation area.

6. If the permittee is purchasing credits from a mitigation bank to satisfy a mitigation requirement, prior to the initiation of regulated activities authorized by this permit, the permittee shall submit proof of purchase for 0.320 acres of mitigation credits from an approved wetland
mitigation bank to the attention of the Mitigation Unit Supervisor, NJDEP, Division of Land Use Regulation at Mail Code 501-02A, P.O. Box 420, Trenton, NJ 08625-0420.

At this time, the following bank(s) are approved to serve the project area; additional banks may be approved at any time, so please contact the Mitigation unit for the most up to date service area information if you would like additional options.

Please Note: The Willow Grove Lake Mitigation Bank serves this area. However, if an Army Corps of Engineers (ACOE) permit is required and that permit also requires mitigation, the Willow Grove Lake Bank is not approved to sell credits for impacts permitted by the ACOE. Willow Grove Lake Wetlands Mitigation Bank is operated by The Nature Conservancy and is located in the City of Vineland, Cumberland County, and Pittsgrove Township, Salem County. The service area of the mitigation bank includes watershed management areas 1, 11, 17, 18, 19 and 20 (Delaware River Drainage Basin). The contact for the bank is Tom Wells, The Nature Conservancy - New Jersey Chapter, Elizabeth D. Kay Environmental Center, 200 Pottersville Road, Chester, New Jersey 07930-2432. Phone: 908-955-0349 Fax: (908) 879-2172. This bank is able to sell its mitigation credits.

7. If the permittee is considering conducting a creation, restoration or enhancement project, the following conditions shall apply:

a. Prior to the initiation of regulated activities authorized by this permit the permittee shall submit a final design of the mitigation project for approval and include all of the items listed on the checklist entitled Checklist for Completeness: Creation, Restoration or Enhancement for a Freshwater Wetland Mitigation Proposal located at http://www.nj.gov/dep/landuse/forms/index.html.

b. Prior to the completion of the mitigation project, the permittee shall complete, sign and file with the County Clerk (the Registrar of Deeds and Mortgages in some counties), a conservation restriction that meets the requirements of N.J.A.C. 7:7A-15.14. The conservation restriction shall include the wetland and required transition area and conform to the format and content of the Wetlands Mitigation Area model conservation restriction that is available at: http://www.nj.gov/dep/landuse/forms/index.html. The applicant is required to include a metes and bounds description shown on a map. Within 10 days of filing the conservation restriction, the permittee must send a copy of the conservation restriction to the Mitigation Unit, NJDEP Division of Land Use Regulation for verification. (N.J.A.C. 7:7A-15.14(a))

c. The permittee shall notify the Mitigation Unit at the Division of Land Use Regulation in writing at least 30 days prior to the start of construction of the wetland mitigation project to arrange an on-site pre-construction meeting among the permittee, the contractor, the consultant and the Division.

d. To ensure the intent of the mitigation design and its predicted wetland hydrology is realized in the landscape, the mitigation designer shall be present on-site during all critical stages of mitigation construction and during the restoration of any temporarily impacted areas. Critical stages of construction include but are not limited to herbicide applications, earthmoving activities, planting, and inspections.
c. The permittee shall be responsible for ensuring that best management practices are used throughout construction to control the spread and colonization of highly invasive plants. Specifically, all equipment, especially tracks and tires, must be thoroughly cleaned every time equipment or vehicles move from an area containing invasive plants or from off-site to the mitigation area. In addition, soil containing root fragments and above-ground vegetative material from invasive plants shall be carefully managed during earthmoving activities and disposed of at a suitable off-site location rather than mulched and reused or stockpiled elsewhere on the site. For information on the specific species that are considered to be invasive, please refer to the Invasive Plant Atlas at http://www.invasiveplantatlas.org/index.html.

f. In the event that changes to the mitigation design are necessary to ensure success of the project as a result of on-site conditions, the mitigation designer shall immediately notify the Division in writing and submit an alternative plan which achieves the proposed wetland conditions. The Division shall review the plan in accordance with N.J.A.C. 7:7A-15.15. Any modifications to the plan that are reviewed and approved by the Division must be shown on a signed and sealed revised plan. The As-Built plans required as a part of the Construction Completion Report may serve as the signed and sealed revised plan required to be submitted as part of the construction modification process described above if time constraints warrant such action and have been approved by the Division in writing.

g. **Within 30 days of final grading of the mitigation site and prior to planting**, the permittee shall notify the Mitigation Unit at the Division of Land Use Regulation in writing to arrange a post-gradation construction meeting among the permittee, contractor, consultant and the Division.

h. **Within 30 days following the final planting of the mitigation project,** the permittee shall submit a Construction Completion Report to the Division detailing as-built conditions (see below) and any changes to the approved mitigation plan that were made during construction (N.J.A.C. 7:7A-15.16). The Construction Completion Report shall contain, at a minimum, the following information:

   i. A completed Wetland Mitigation Project Completion of Construction Form. This form is located at http://www.nj.gov/dep/landuse/forms/index.html and certifies that the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished;

   ii. As-Built plans which depict final grade elevations at one foot contours and include a table of the species and quantities of vegetation that were planted including any grasses that may have been used for soil stabilization purposes; and

   iii. Photos of the constructed wetland mitigation project with a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983.

j. **Within 30 days following final planting of the mitigation project,** the permittee shall post the mitigation area with permanent signs which identify the site as a wetland mitigation project and that all-terrain vehicle use, motorbike use, mowing, dumping, draining, cutting and/or removal of plant materials is prohibited and that violators shall be prosecuted and fined to the fullest extent under the law. The signs must also state the name of the permittee, a contact name and phone number, and the Department’s permit number.

k. The permittee shall monitor forested and/or shrub scrub wetland mitigation projects for 5 full growing seasons and emergent wetland or State open water mitigation projects
for 3 full growing seasons beginning the year after the mitigation project has been completed. The permittee shall submit monitoring reports to the Division of Land Use Regulation no later than December 31st of each full monitoring year (N.J.A.C. 7:7A-15.16(c)). All monitoring reports must include the standard items identified in the checklist entitled, “Wetland Mitigation Monitoring Project Checklist”, which can be found at http://www.nj.gov/dep/landuse/forms/index.html.

1. Once the required monitoring period has expired and the permittee has submitted the final monitoring report, the Division will make the finding that the mitigation project is either a success or a failure. This mitigation project will be considered successful if the permittee demonstrates all of the following:

i. That the goals of the wetland mitigation project, including acreage and the required transition area, as stated in the approved wetland mitigation proposal and the permit have been satisfied. The permittee shall submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989) which shows the exact acreage of State open waters, emergent, scrub/shrub and/or forested wetlands in the mitigation area;

ii. The site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes, which are species native to the area and similar to ones identified on the mitigation planting plan. All plant species in the mitigation area must be healthy and thriving and all trees must be at least five feet in height;

iii. The site is less than 10 percent coverage by invasive or noxious species.

iv. The site contains hydric soils or there is evidence of reduction occurring in the soil; and,

v. The proposed hydrologic regime as specified in the mitigation proposal has been satisfied.

m. The permittee is responsible for assuming all liability for any corrective work necessary to meet the success criteria established above (N.J.A.C. 7:7A-15.16(f)). The Division will notify the permittee in writing if the mitigation project is considered to be a failure. Within 30 days of notification, the permittee shall submit a revised mitigation plan to meet the success criteria identified above for Division review and approval. The financial surety, if required, will not be released by the Division until such time that the permittee satisfies the success criteria as stipulated above.

APPROVED DRAWINGS:
The drawings hereby approved are 14 sheets prepared by Remington & Vernick Engineers, dated as noted, last revised July 2013, entitled:

“BALDWIN’S RUN TRIBUTARY TRAIL PROJECT, CITY OF CAMDEN, CAMDEN COUNTY, NEW JERSEY”

“NOTES AND QUANTITIES”, sheet 2, April 2013
“SITE PLAN”, sheet 3, April 2013

“OVERALL GRADING AND SOIL EROSION AND SEDIMENT CONTROL PLAN”, sheet 4, April 2013

“GRADING PLAN – CHANNEL”, sheet 5, July 2013

“GRADING PLAN – MULTI USE PATH”, sheets 6 and 7, July 2013

“ENVIRONMENTAL PLAN – NJDEP”, sheet 8, April 2013

“CHANNEL CENTERLINE PROFILE”, sheet 9, April 2013

“CHANNEL CROSS SECTIONS”, sheet 10, April 2013

“STREAMBED LANDSCAPE PLAN”, sheet 11 January 2013

“SOIL EROSION AND SEDIMENT CONTROL NOTES”, sheet 12, April 2013

“SOIL EROSION AND SEDIMENT CONTROL DETAILS”, sheet 13, April 2013

“CONSTRUCTION DETAILS”, sheets 14 and 15, April 2013

If you need clarification on any section of this permit or conditions, please contact our Technical Support Call Center at (609) 777-0454.

Christopher Jones, Manager
Division of Land Use Regulation

Original sent to Agent to record
C: Applicant
  Municipal Construction Official
  Municipal Clerk

Date 7/29/13