

**APPENDIX D**  
**USACE & NJDEP**  
**Permits**



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT CORPS OF ENGINEERS  
WANAMAKER BUILDING, 100 PENN SQUARE EAST  
PHILADELPHIA, PENNSYLVANIA 19107-3390

AUG 11 2010

Regulatory Branch  
Applications Section II

SUBJECT: CENAP-OP-R-200601190-46 (IP)  
PALMYRA COVE NATURE PARK

NJDEP: 0327-02-0002.1, .2

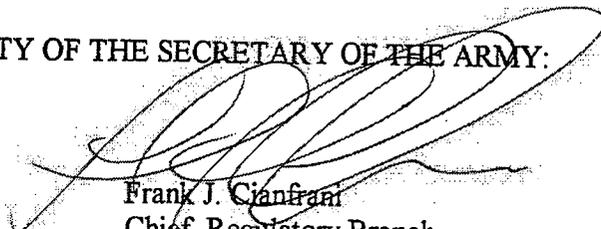
Mr. Eric Rosina  
ACT Engineers, Incorporated  
403 Highway 202  
Flemington, New Jersey 08822

Dear Mr. Rosina:

Reference is made to a Department of the Army permit dated June 5, 2007, authorizing the Burlington County Bridge Commission to construct a concrete boat ramp and three fishing/observation piers in regulated waters for the construction of a nature trail situated at the Palmyra Cove Nature Park. The site is located north of the confluence of Pennsauken Creek and the Delaware River, identified as Lots 2.02, 3, and 4 of Block 156, Lot 2 of Block 154, all in the Borough of Palmyra, Burlington County, New Jersey.

In accordance with your requests dated July 22 and August 9, 2010, the subject permit has been extended to December 31, 2012. All other conditions to which the permit was made subject remain in full force and effect.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



Frank J. Cianfrani  
Chief, Regulatory Branch

For : Philip M. Secrist, III  
Lieutenant Colonel, Corps of Engineers  
District Commander

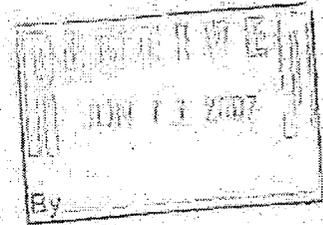
CERTIFIED MAIL RETURN RECEIPT REQUESTED



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT, CORPS OF ENGINEERS  
WANAMAKER BUILDING, 100 PENN SQUARE EAST  
PHILADELPHIA, PENNSYLVANIA 19107-3390



JUN 05 2007

Regulatory Branch  
Application Section II

SUBJECT: CENAP-OP-R-200601190-46  
NJDEP #: 0327-94-0001.4-.10 and 0327-02-0002.1,.2

Ms. Ingrid Kohler  
ACT Engineers, Incorporated  
1 Washington Boulevard, Suite 3  
Trenton, New Jersey 08691

Dear Ms. Kohler:

Enclosed is a Department of the Army Permit (Enclosure 1) authorizing the Burlington County Bridge Commission to construct a concrete boat ramp and three fishing/observation piers in regulated waters for construction of a proposed nature trail situated at the Palmyra Cove Nature Park. The site is located north of the confluence of Pennsauken Creek with the Delaware River, identified as Lots 2.02, 3, and 4 of Block 154, Lot 2 of Block 154, all in the Borough of Palmyra, Burlington County, New Jersey. Also enclosed is a notice of authorization (ENG Form 4336-Enclosure 2) to be conspicuously displayed at the site of work.

Carefully review all the terms and conditions of the Department of the Army permit and understand them fully. Performing any work not specifically authorized by the permit or failing to comply with its conditions may subject you and/or your contractor to the enforcement provisions of our regulations. If a contractor performs the work for you, both you and the contractor are responsible for assuring the work is done in conformance with the conditions and limitations of this permit. Please be sure the person who will do the work has read and understands the conditions of the permit.

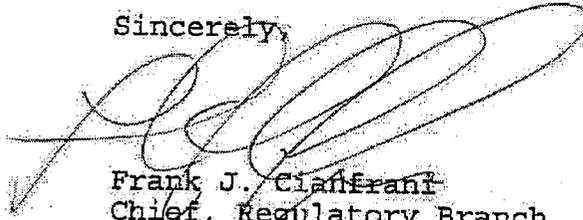
This office shall be notified of the commencement and completion of the permitted work. To assist you in meeting this requirement, enclosed with the Department of the Army Permit is a Notification/Certification of Work Commencement Form and a Notification/Certification of Work Completion/ Compliance Form which must be signed and returned to this office. Additional information concerning this permit may be obtained by writing to David J. Caplan of my office at the above address or calling (215) 656-6731.

SUBJECT: CENAP-OP-R-200601190-46  
NJDEP #: 0327-94-0001.4-.10 and 0327-02-0002.1,.2

-2-

If any material changes in the location or plans of the permitted work are found necessary on account of unforeseen or altered conditions or otherwise, revised plans should be submitted promptly to this office in order that the revised plans, if found unobjectionable, may receive the approval required by law before operations on the permitted work are commenced.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Frank J. Cianfrani', is written over a faint, circular stamp or watermark.

Frank J. Cianfrani  
Chief, Regulatory Branch

Enclosures

DEPARTMENT OF THE ARMY PERMIT

PERMITTEE AND PERMIT NUMBER:

BURLINGTON COUNTY BRIDGE COMMISSION  
CENAP-OP-R-200601190-46

ISSUING OFFICE:

Department of the Army  
U.S. Army Corps of Engineers, Philadelphia District  
Wanamaker Building - 100 Penn Square East  
Philadelphia, Pennsylvania 19107-3390

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

PROJECT DESCRIPTION:

To construct a concrete boat ramp with temporary cofferdam and three fishing/observation piers in regulated waters associated with the construction of a nature trail situated at the Palmyra Cove Nature Park.

All work is to be completed in accordance with the attached plan(s) E1 through E13.

PROJECT LOCATION:

The site is located north of the confluence of the Pennsauken Creek with the Delaware River, identified as Lots 2.02, 3, and 4 of Block 154, Lot 2 of Block 154, in the Borough of Palmyra, Burlington County, New Jersey.

PERMIT CONDITIONS:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2010. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality and/or a coastal zone management certification has been issued for your project, you must comply with conditions specified in the certification as special conditions to this permit.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. All work performed in association with the above noted project shall be conducted in accordance with the attached project plans E1 through E13 and those plans prepared by ACT Engineers, Incorporated as follows:

A) "Environmental Permitting Plan, Pennsauken Creek Trails, Palmyra Cove Nature Park, Lots 2.02, 3, and 4, Block 156, Situated in Borough of Palmyra, Burlington County, New Jersey," Project Number 060302-00, Sheets 1 and 2 of 3 prepared on 8/7/06 and last revised 1/8/07, Sheet 3 of 3 prepared on 11/28/06 and last revised on 1/8/07 and

B) "Environmental Permitting Plan for Emergency Boat Ramp, Palmyra Cove Nature Park, Lot 2, Block 154, Situated in Borough of Palmyra, Burlington County, New Jersey," Project Number 060302-00, Sheet 1 of 1 prepared on 8/7/06 and last revised 1/8/07.

The above-mentioned plans depict the construction of

- A) a boat ramp extending 67 feet waterward of the mean high water line of the Delaware River involving the discharge of fill materials (concrete and stone for ramp construction and scour protection) within 0.019 acre of waterway below the high tide line;
- B) the placement of a temporary water-filled cofferdam around the boat ramp site and below the mean high water line for site dewatering;
- C) one timber fishing/observation pier (180 feet long by 6 feet wide) extending 143 linear feet waterward of the mean high water line of a tidal lagoon and sitting a maximum of 7.75 feet above the waterway bottom;
- D) one timber fishing/observation pier (60 feet long by 6 feet wide) extending 37 linear feet waterward of the mean high water line of the Pennsauken Creek and sitting a maximum of 8.0 feet above the waterway bottom; and
- E) one timber observation pier (100 feet long by 6 feet wide) extending 83 linear feet waterward of the mean high water line of a tidal lagoon and sitting a maximum of 6.0 feet above the waterway bottom.

2. Construction activities shall not result in the disturbance or alteration of greater than

- A) 0.019 acre of waters of the United States below the high tide line for boat ramp construction and
- B) 0.036 acre of navigable waters of the United States below the mean high water line for pier construction.

3. Any deviation in construction methodology or project design from that shown on the above noted drawings must be approved by this office, in writing, prior to performance of the work. This includes those modifications deemed necessary by the contractor at the time of construction. All modifications to the above noted project plans shall be approved, in writing, by this office. No work shall be performed prior to written approval of this office.

4. This office shall be notified at least 10 days prior to the commencement of authorized work by completing and signing the attached *Notification/ Certification of Work Commencement Form*. This office shall also be notified within 10 days of the completion of the authorized work by completing and signing the attached *Notification/Certification of Work Completion/Compliance Form*. All notifications required by this condition shall be in writing and shall be transmitted to this office by registered mail. Oral notifications are not acceptable. Similar notification is required each time maintenance work is to be done under the terms of this Corps of Engineers permit.

5. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration. (This special condition is applicable to Corps of Engineers permits that provide authorization under Section 10 of the Rivers and Harbors Act of 1899.)
6. That the disposal of trees, brush and other debris in any stream corridor, wetland or surface water is prohibited.
7. That efforts shall be made to keep construction debris from entering the waterway or wetland. Debris in the waterway or wetland shall be removed within 24 hours of site work completion.
8. That this permit does not authorize the following:
  - A) any dredging at the project site;
  - B) any discharges of dredged and/or fill materials within regulated waterways and wetlands for trail, pier, or canoe/kayak beach construction;
  - C) any placement of fixed temporary or permanent structures below the mean high water line for trail or canoe/kayak beach construction including any such structures to be used for temporary access or material transport; and
  - D) the discharge of any dredged and/or fill materials for temporary site de-watering associated with boat ramp construction.
9. That all material to be used as fill shall be obtained from an upland source and shall be free of oil and grease, debris, wood, general refuse, plaster, and other pollutants, and shall contain no broken asphalt.
10. That the authorized excavation, filling and associated activities shall be performed in accordance with the State and/or County standards for Soil Erosion Sediment Control.
11. That fill and/or any other construction material shall not be placed in any locality or in any manner so as to impair surface water flow into or out of any aquatic area except as authorized herein.
12. That the river bottom shall be returned to pre-construction elevations and conditions, except as authorized herein, where the boat ramp is to be constructed.

13. That this permit does not obviate the permittee from obtaining any State or local assent required by law for the activity authorized.

14. That timbers treated with creosote or other petroleum based preservatives shall not be used in the construction of the authorized structures.

15. That all equipment required to traverse vegetated wetland areas shall be supported on mats.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act.

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

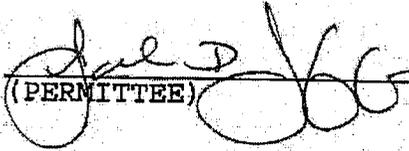
b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

 6/16/67  
(PERMITTEE) (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

 6/5/67  
(District Engineer) (DATE)  
Frank J. Cianfrani, Chief, Regulatory Branch  
for Gwen E. Baker  
Lieutenant Colonel, Corps of Engineers  
District Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEE) (DATE)



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

(See Issuing Division below)

PERMIT\*



The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.		
Permit No. 0327-02-0002.2 WFD 060001, FWW 060001, CSW 060001	Application No. 0327-02-0002.2 WFD 060001, FWW 060001, CSW 060001	
Issuance Date <b>JAN 10 2007</b>	Effective Date <b>JAN 10 2007</b>	Expiration Date <b>JAN 10 2012</b>
Name and Address of Applicant Burlington County Bridge Commission 1300 Route 73 North, P.O. Box 6 Palmyra, NJ 08065	Name and Address of Owner <b>SAME</b>	Name and Address of Operator
Location of Activity/Facility (Street Address) <b>Same</b> Lots: 2, 2.02, 3, 4, 6 Blocks: 154, 156 Palmyra, Burlington County	Issuing Division <b>Division of Land Use Regulation</b>	Statute(s) NJSA 58:10-1 NJSA 12:5-3 NJSA 13:9B-1 NJSA 13:9A-1
Type of Permit <b>Waterfront Development Permit, Coastal Wetland Permit, Freshwater Wetland General Permit No. 17 Water Quality Certificate</b>	Maximum Approved Capacity, if applicable	
<p>This permit grants permission to: Construct waterfront structures consisting of a 8' by 78' emergency boat ramp, constructed of open cell armorflex articulating concrete block mats and 4 fishing/observation piers: 1- 6' by 180', 1- 6' by 100', 1- 6' by 140' and 1- 6' by 60'. In addition, this permit authorizes 884 linear feet of boardwalk and approximately 3,000 linear feet of dirt trails within wetlands and transition area, as shown on plans entitled "ENVIRONMENTAL PERMITTING PLAN, PALMYRA COVE NATURE PARK, LOTS, 2.02, 3, AND 4, BLOCK, 156, SITUATED IN BURLINGTON COUNTY, BOROUGH OF PALMYRA, BURLINGTON COUNTY, NEW JERSEY", Dated 8/7/06, last revised 1/8/07 plans prepared by ACT Engineers, Inc "PENNSAUKEN CREEK TRAILS" Sheets 1-3 of 3 and "EMERGENCY BOAT RAMP", Sheet 1 of 1.</p> <p>The permittee shall allow an authorized representative of the Department the right to inspect construction pursuant to N.J.A.C. 7:7-1.5(b)4.</p> <p>This permit is authorized under, and in compliance with, all applicable Rules on Coastal Zone Management.</p> <p><b>Prior to site preparation, the applicant must receive a Tidelands grant, lease, or license.</b></p>		
Prepared By: <u>Michele Kirk</u> Michele Kirk Environmental Specialist	(See page 3 for authorization signature)	
Revised Date	Approved by the Department of Environmental Protection	
	Name (Print or Type) _____	Title _____
	Signature _____	Title _____

\* The word permit means "approval, certification, registration, etc."

**This permit is subject to the following terms and conditions:**

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.

This permit is issued subject to and provided the following conditions can be met to the satisfaction of the Division of Land Use Regulation. All conditions must be met prior to construction unless otherwise specified. Compliance with Administrative conditions shall be determined once copies of all specified permits, certifications, plans, agreements, etc. have been received and approved by the Division of Land Use Regulation. As per NJAC 7:7-1.4, the permittee must notify the Bureau of Coastal and Land Use Compliance and Enforcement, (1510 Hooper Avenue, Toms River, NJ 08753), in writing, at least three (3) days prior to commencement of construction or site preparation.

**ADMINISTRATIVE**

1. This permit shall be RECORDED in the office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES in the applicable counties) in the county wherein the lands included in the permit are located within ten (10) days after receipt of the permit by the applicant and verified notice shall be forwarded to the Division of Land Use Regulation immediately thereafter.
2. Issuance of this permit is in no way construed as a relinquishment by the State of New Jersey or any Tidelands right, title or interest in the subject property or in any land surrounding same. Prior to construction of the proposed activities, the applicant must receive a Tidelands grant, lease, or license. Failure to comply with this condition will result in fines up to \$1000 plus \$100 per day, a higher fee for the conveyance and possible prosecution by the Attorney General's Office to remove unauthorized structures and to pay use and occupancy charges.

3. This permit does not authorize any dredging activities. If dredging is required in the future, a new Waterfront Development application showing compliance with 7:7E-4.2(g) New Dredging, will be required to be submitted to this Division.
4. Prior to site preparation, the applicant is required to obtain a Department of the Army General Permit (SPGP19) for the proposed boat ramp and piers. You are advised to contact the Philadelphia District at (215) 656-6728.

### PHYSICAL

1. The permittee shall perform a Submerged Aquatic Vegetation Survey, particularly for wild celery (*Vallisneria americana*), within the Delaware River, along the limit of the subject parcel using the "SEAGRASS SURVEY GUIDELINES FOR NEW JERSEY" by Jeffrey C. Lockwood, Final Draft May 16, 1991. A report shall be submitted with the findings, to include photographs and drawings, to the Division of Land Use Regulation, Division of Fish and Wildlife and Army Corps of Engineers by October 1 of 2007.
2. Space between horizontal planking and width of horizontal planking shall be as follows: 3/8 inch, 1/2 inch, 3/4 inch, or one inch space is to be provided for four inch, six inch, eight to 10 inch, or 12 inch plus wide planks, respectively.
3. Piers proposed over wetlands shall not exceed 6' in width and shall be constructed 4.5 feet over wetlands.
4. The boardwalk/ trails shall be no wider than six feet.
5. The boardwalk/ trails shall include signs educating the public about wetlands, ecology and the environment.
6. All areas of temporary disturbance shall be restored to pre-existing conditions.
7. No clearing shall take place within the areas indicated on plans for "proposed outdoor classroom area" and the beach areas for the "proposed canoe/kayak beach" areas.
8. A timing restriction of March 15 through June 30 and September 1 through November 30 is necessary to protect anadromous fish and warm water fish during migration and /or spawning from any turbidity generating activity.
9. No Mapped Coastal Wetlands shall be disturbed for boardwalk and trails.

**Acceptance of permit:** If you begin any activity approved by this permit, you thereby accept this document in its entirety, and the responsibility to comply with the terms and conditions. If you do not accept or agree with this document in its entirety, do not begin construction. You are entitled to request an appeal within a limited time as detailed on the attached Administrative Hearing Request Checklist and Tracking Form.

### Appeal of Decision

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision published in the DEP Bulletin by writing

Applicant: Burlington County Bridge Commission  
Terms And Conditions

to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

Joanne B. Davis  
Joanne B. Davis  
Bureau of Coastal Regulation

1/10/07

Date