

**From:** "Fontaine, Peter" <PFontaine@cozen.com>  
**To:** Stacey Roth <Stacey.Roth@njpinestates.us>  
**Date:** 7/24/2013 12:36 PM  
**Subject:** Approvals  
**Attachments:** KMBT36220130712091340.pdf; US Army Corps Approval 7-12-2013.pdf

Peter J. Fontaine | Cozen O'Connor  
A Pennsylvania Professional Corporation  
1900 Market Street | Philadelphia, PA 19103 | P: 215.665.2723 | C: 856.607.1077 | F: 866.850.7491  
457 Haddonfield Road, Suite 300 | Cherry Hill, NJ 08002 | P: 856.910.5043 |  
pfontaine@cozen.com<mailto:pfontaine@cozen.com> | www.cozen.com<http://www.cozen.com/> |  
http://www.cozen.com/attorney\_detail.asp?d=1&m=0&atid=610&stg=0  
P Please consider the environment before printing this email.

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STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND USE REGULATION

Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625  
Fax: (609) 777-3656 or (609) 292-8115  
www.state.nj.us/dep/landuse



PERMIT

<p>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.</p>		<p>Approval Date <b>JUL 10 2013</b></p> <p>Expiration Date <b>JUL 10 2018</b></p>
<p>Permit Number(s) 0000-13-0004.1 CAF130001, WFD130001, FWW 130001</p>	<p>Type of Approval(s) CAFRA Individual Permit Waterfront Development Individual Permit Freshwater Wetlands General Permit #2 Water Quality Certificate</p>	<p>Enabling Statute(s) N.J.S.A. 13:19-1 N.J.S.A. 12:5-3 N.J.S.A. 13:9B-1 N.J.S.A. 58:10A-1</p>
<p>Applicant South Jersey Gas – Charles F. Dippe, P.E. One South Jersey Plaza, Route 54 Folsom, New Jersey 08037</p>	<p>Site Location Block(s): N/A Lot(s): N/A Maurice River, Cumberland County Estelle Manor, Atlantic County Upper Township, Cape May County</p>	
<p>This permit grants permission to: Install approximately 21.7 miles (approximately 9.73 miles are within Pinelands Jurisdiction, 5.12 miles is within Pinelands and CAFRA Jurisdiction, and 11.87 miles are within CAFRA Jurisdiction) of 24" diameter steel pipeline to supply natural gas to the existing B.L. England electric generation plant. The authorized activities are shown on the approved site plans referenced on Page 2 of this permit.</p> <p>This permit is authorized under and in compliance with applicable Rules on Coastal Zone Management N.J.A.C. 7:7E-1.1 et seq., as amended. The Director of the Division of Land Use Regulation hereby finds the applicable findings as required by Sections 10 &amp; 11 of the CAFRA statute (N.J.S.A. 13:19-1 et seq.) and the Rules on Coastal Zone Management will be met to the satisfaction of the Bureau of Coastal Regulation. The issuance of this permit is contingent upon compliance with the conditions below and failure to comply with any or all conditions may result in appropriate enforcement action and revocation of this permit.</p> <p><b>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 IN THIS PERMIT.</b></p>		
<p>Prepared By: _____ Eric M. Virostek Environmental Specialist 3</p>	<p>Received or Recorded by County Clerk</p>	
<p><b>This permit is not valid unless authorizing signature appears on the last page.</b></p>		

The authorized activities are shown on the site plans in 107 sheets entitled: "PROPOSED 24" NATURAL GAS PIPELINE FOR SYSTEM REINFORCEMENT AND TO SUPPLY B.L. ENGLAND POWER PLANT, CUMBERLAND, ATLANTIC & CAPE MAY COUNTIES, NJ, PERMITTING PLANS," prepared by Woodard & Curran.

All sheets are dated January 31, 2013 except for SA-6, D-04A, D-04B, D-06, C-AGV-1, C-AGV-2 which are dated April 26, 2013 and BL-1 which is dated May 22, 2013. The following sheets were last revised on:

<b>April 26, 2013:</b>	G-03, LD-1, AS-1, AS-4 & 5, AS-22, AS-27, AS-32, AS-35, AS-37 thru AS-43, AS-46, SA-1 & 2, C-300
<b>May 16, 2013:</b>	AS-44 & 45, SA-3
<b>May 17, 2013:</b>	G-02, D-03, C-100, C-200
<b>May 20, 2013:</b>	AS-3, AS-6 thru AS-8, AS-10 thru AS-21, AS-23 thru AS-26, AS-28 thru AS-31, AS-33 & 34, AS-36, D-1A, D-1B, D-02
<b>May 22, 2013:</b>	AS-2, AS-9
<b>June 11, 2013:</b>	G-01, AS-47 thru AS-82, SA-4 & 5, D-06, BL-1
<b>Unrevised:</b>	SA-6, D-1C, D-04A, D-04B, D-05, C-AGV-1, C-AGV-2

#### STANDARD CONDITIONS:

1. **Extent of approval:**

- a. This document grants permission to perform certain activities that are regulated by the State of New Jersey. The approved work is described by the text of this permit and is further detailed by the approved drawings listed herein. All work must conform to the requirements, conditions and limitations of this permit and all approved drawings.
- b. If you alter the project without prior approval, or expand work beyond the description of this permit, you may be in violation of State law and may be subject to fines and penalties. Approved work may be altered only with the prior written approval of the Department.
- c. You must keep a copy of this permit and all approved drawings readily available for inspection at the work site.

2. **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 *Administrative Hearing Request Checklist and Tracking Form* which is available on the Department's website at [www.state.nj.us/dep/landuse/forms/index.html](http://www.state.nj.us/dep/landuse/forms/index.html).

3. **Recording with County Clerk:** You must record this permit in the Office of the County Clerk for each county involved in this project. The front page of the recorded permit shall be forwarded to Eric M. Virostek, via email at [Eric.Virostek@dep.state.nj.us](mailto:Eric.Virostek@dep.state.nj.us), before beginning regulated activities.

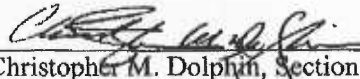
4. **Notice of Construction:** You must notify the NJDEP, Bureau of Coastal and Land Use Compliance and Enforcement, in writing, at 1510 Hooper Avenue, Toms River, NJ 08753, at least three working days prior to beginning any construction on the site or any site preparation.

5. **Expiration date:** All activities authorized by this permit must be completed by the expiration date shown on the first page unless otherwise extended by the Division. At that time, this permit will automatically become invalid and none of the approved work may begin or continue until a replacement permit is granted. (Some permits may qualify for an extension of the expiration date. Please contact the Department for further information.)
6. **Rights of the State:**
  - a. This permit is revocable and subject to modification by the State with due cause.
  - b. Representatives from the State have the statutory authority to enter and inspect this site to confirm compliance with this permit and may suspend construction or initiate enforcement action if work does not comply with this permit.
  - c. This permit does not grant property rights. The issuance of this permit shall not affect any action by the State on future applications, nor affect the title or ownership of property, nor make the State a party in any suit or question of ownership.
7. **Other responsibilities:** You must obtain all necessary local, Federal and other State approvals before you begin work. All work must be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*, and all fill material must be free of toxic pollutants in toxic amounts as defined in section 307 of the Federal Act.

**PERMIT SPECIFIC CONDITIONS:**

1. A portion of the proposed alignment includes an area listed as documented habitat for American Mistletoe (*Phoradendron leucarpum*). In order to prevent impacts to this species, the permittee may not clear/remove/trim woody vegetation within the area marked by cross section figures "464+00" through "470+50" during any given work year unless a survey for this species has been completed and the area has been proven void of the protected species.
2. In an effort to comply with provisions of the Federal Migratory Bird Treaty Act, there shall be no removal of woody vegetation (within the areas to be mitigated for as mentioned below in Project Specific Condition No. 3) from **March 15<sup>th</sup> through July 31<sup>st</sup>** of any given work year.
3. **Within 90 days of issuance of this permit**, the applicant must submit for review and approval a mitigation proposal for the proposed impacts to *3.07 acres* of critical wildlife habitat. A written mitigation proposal and an accompanying site plan (with a timeline for mitigation completion) must outline a mitigation offer at a **1:1 ratio** for the proposed impacts to critical wildlife habitat. Note that a 1:1 mitigation ratio is acceptable for this project in order to compensate for the direct loss of habitat *only*. Specific to the project at hand, habitat impacts do not extend to the removal of habitat on either side of the proposed pipeline location (i.e. should potential for future connections to this line exist).
4. All debris generated from the construction shall be disposed of at an approved disposal site.
5. All sediment barriers and other soil erosion control measures must be installed prior to the start of any clearing, grading or construction on site, and must be maintained in proper working condition throughout the entire duration of the project.
6. All excavated material must be lawfully disposed of outside any flood plain, open water, freshwater wetlands or transition area.
7. 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.

8. The permittee shall restore ALL temporarily disturbed areas to pre-existing site conditions.
9. The applicant shall apply for and receive a tidelands grant, lease or license from the Bureau of Tidelands Management prior to construction. 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.

  
\_\_\_\_\_  
Christopher M. Dolph, Section Chief  
Bureau of Coastal Regulation  
Division of Land Use Regulation

7/11/13  
\_\_\_\_\_  
Date

- C: Agent (original sent to Agent to facilitate condition compliance)  
Municipal Clerk  
Municipal Construction Official



REPLY TO  
ATTENTION OF

## DEPARTMENT OF THE ARMY

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

JUL 12 2013

Regulatory Branch  
Application Section II

SUBJECT: CENAP-OP-R-2013-0153-76 (NWP 12)  
Project Name: Natural Gas Line for Supply to the B.L. England Generating Power Plant  
NJDEP#: 0000-13-0004.1 (CAF 130001)  
Latitude and Longitude: Mill Creek - Lat. 39.296132 N, Long. -74.774818 W  
Cedar Swamp Creek - Lat. 39.261818 N; Long. -74.701881 W

Mr. Charles F. Dipppo, P.E.  
South Jersey Gas  
1 South Jersey Plaza  
Folson, New Jersey 08037

Dear Mr. Dipppo:

This is in regard to your company's proposal to construct and install a 24 inch natural gas pipeline from the Cumberland Pond Piggings Station in Maurice Township, Cumberland County Cape May County, New Jersey to the B.L. England Power Plant in Beesley's Point, Atlantic County, New Jersey. Two tidal waters crossings are associated with the installation of the pipeline project. The pipeline crossings involve Horizontal Directional Drilling (HDD) under Mill Creek along Route 49 and Cedar Swamp Creek along Tuckahoe Road in Cape May County.

Under current Federal regulations, a Department of the Army permit is required for work or structures in navigable waters of the United States and/or the discharge of dredged or fill material into waters of the United States including adjacent and isolated wetlands. Based upon our review of the information you have provided, it has been determined that the proposed work is approved by the existing Department of the Army Nationwide Permit (NWP) described below.

### **NWP 12. Utility Line Activities.**

*Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.*

*Utility lines: This NWP authorizes the construction, maintenance, or repair of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for the utility lines, in all waters of the United States, provided there is no change in pre-construction contours. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication. The term "utility line" does not include activities that*

*drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.*

*Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.*

*Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a power line or utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities. Foundations for overhead utility line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.*

*Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows. This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (See 33 CFR Part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit. This NWP also authorizes temporary structures, fills, and work necessary to conduct the utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.*

*Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if any of the following criteria are met: (1) the activity involves mechanized land clearing in a forested wetland for the utility line right-of-way; (2) a section 10 permit is required; (3) the utility line in waters of the United States, excluding overhead lines, exceeds 500 feet; (4) the utility line is placed within a jurisdictional area (i.e., water of the United States), and it runs parallel to or along a stream bed that is within that jurisdictional area; (5) discharges that result in the loss of greater than 1/10-acre of waters of the United States; (6) permanent access roads are constructed above grade in waters of the United States for a distance of more than 500 feet; or (7) permanent access roads are constructed in waters of the United States with impervious materials. (See general condition 31.) (Sections 10 and 404)*

*Note 1: Where the proposed utility line is constructed or installed in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, copies of the pre-construction notification and NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.*

*Note 2: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.*

*Note 3: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to Section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).*

*Note 4: For overhead utility lines authorized by this NWP, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.*

You are advised that this verification of NWP authorization is valid for two (2) years from the date of this letter, unless the NWP authorization is modified, suspended, or revoked. In the event that the NWP authorization is reissued and/or modified during that time period, this two-year expiration date will remain valid, provided the activity complies with any subsequent reissuance and/or modification of the NWP authorization.

It is noted that CZM consistency from the State is only required for those activities in or affecting a State's coastal zone. Additionally, some of the NWPs do not involve a discharge of dredged or fill material, and as such, do not require a 401 WQC. If the State has denied the required WQC and/or not concurred with the Corps' CZM consistency determination, the NWP authorization is considered denied without prejudice until an individual project specific WQC and/or CZM approval is obtained. This approval must be obtained in order for the activity to be authorized under the NWP and a copy provided to this office before work begins. Any project specific conditions required by the State for the WQC and/or CZM approval will automatically become part of the NWP authorization.

You should carefully note that this NWP authorization is based upon your agreement to comply with the terms and conditions of this NWP (Enclosure 1) including any and all attached project specific special conditions listed below. Initiation of any authorized work shall constitute your agreement to comply with all of the NWP's conditions. You should also note that the authorized work may be subject to periodic inspections by a representative of this office. The verification of a Nationwide Permit including all general and special conditions is not subject to appeal.

In addition, a preliminary jurisdictional determination (JD) is included with this authorization. This preliminary determination identifies the location(s) of waters and wetlands that may be waters of the United States for the subject site. This preliminary jurisdictional determination is non-binding and indicates that there may be waters of the United States, including wetlands, on the parcel. Enclosed is a copy of the Preliminary Jurisdictional Determination Form signed by the applicant or agent agreeing to accept a preliminary jurisdictional determination (Enclosure 2). Preliminary JDs are advisory in nature and may not be appealed (See attached Notification of Appeal Form (Enclosure 3) and 33 C.F.R. 331.2.); however, the applicant retains the right to request an approved Jurisdictional Determination, which may be appealed, for the site.

For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision was made based on the preliminary JD. All waters and wetlands on the site that may be affected in any way by the permitted activity were treated as though they were jurisdictional waters of the United States. The attached plan(s) depicts the location of waters and wetlands on the subject property.

This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participating in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

This preliminary jurisdiction determination is valid for a period of five (5) years. This preliminary jurisdictional determination is issued in accordance with current Federal regulations and is based upon the existing site conditions and information provided by you in your application. This office reserves the right to reevaluate and modify the preliminary jurisdictional determination at any time should existing site conditions or Federal regulations change, or should the information provided by you prove to be false, incomplete, or inaccurate.

#### PROJECT SPECIFIC SPECIAL CONDITIONS:

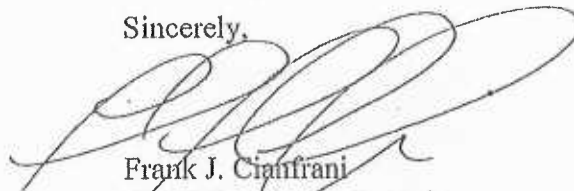
1. All work performed in association with the above noted project shall be conducted in accordance with the project plans identified as "Proposed 24" Natural Gas Pipeline For System Reinforcement And To Supply B.L. England Power Plant", South Jersey Gas, Cumberland, Atlantic, & Cape May Counties, New Jersey, Permitting Plans, dated January 31, 2013, revised April 26, 2013 and June 11, 2013 respectively, sheets AS 41-42 & AS 63-67, scale horizontal: 1

inch = 50 feet, Scale vertical: 1 inch = 20 feet, by Woodward & Curran, 50 Millstone Road, Building 300, Suite 100, East Windsor, New Jersey 08520 . The project plans provide for a 24 inch natural gas pipeline crossing under two tidal waterbodies by Horizontal Directional Drilling (HDD) . The stated purpose of the project is to provide for a new 24 inch diameter steel pipeline to supply natural gas to the existing B.L. England Electric Generating Plant.

2. Construction activities shall not result in the disturbance or alteration of greater than 0.007 acre of waters of the United States.
3. Any deviation in construction methodology or project design from that shown on the above noted drawings or repair plan must be approved by this office, in writing, prior to performance of the work. 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 prior to the commencement of authorized work by completing and signing the enclosed Notification/ Certification of Work Commencement Form (Enclosure 4 ). This office shall also be notified within 10 days of the completion of the authorized work by completing and signing the enclosed Notification/Certification of Work Completion/Compliance Form (Enclosure 5). All notifications required by this condition shall be in writing. The Notification of Commencement of work may be sent to this office by facsimile or other electronic means; all other notification 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.

Also enclosed is a pre-addressed postal card (Enclosure 6) soliciting your comments on the processing of your application. Any comments, positive or otherwise, on the procedures, timeliness, fairness, etc., may be made on this card. If you should have any questions regarding this matter, please contact Peter Romano at 215-656-6729 or write to the above address.

Sincerely,



Frank J. Cianfrani  
Chief, Regulatory Branch

Enclosures

Copies Furnished:

NJDEP, LURP (Trenton, NJ)  
NMFS (Sandy Hook, NJ)  
USEPA, Region III (Philadelphia, PA)  
USFWS (Pleasantville, NJ)

Agent: Mr. Steve Ewing  
Woodward & Curran  
50 Millstone Road, Building 300, Suite 100  
East Windsor, New Jersey 08520

Single File Copy