

## DIVISION OF WATER

WETLANDS & SUBAQUEOUS LANDS SECTION

89 KINGS HIGHWAY DOVER, DELAWARE 19901 TELEPHONE (302) 739-9943 FAX (302) 739-6304

DNREC Division of Fish & Wildlife

Attention: John Clark

89 Kings Hwy Dover, DE 19901

Tax Parcel: 4-32-6.00-5.00

Subaqueous Lands Permit: SP-030/18 Water Quality Certification: WQ-030/18

Associated Permit(s): MP-030/18
Date of Issuance: 7 - 20 - 20 18

Construction Expiration Date: 7-20-2021

Amended Date: N/A

#### SUBAQUEOUS LANDS PERMIT/ WATER QUALITY CERTIFICATION

**GRANTED TO:** 

**DNREC Division of Fish & Wildlife** 

TO REMOVE:

An existing 2 lane boat ramp

TO REPURPOSE:

An existing single concrete boat ramp by installing a 10 by 41 foot long Mobi-Mat for kayak access

#### TO CONSTRUCT AND UTILIZE:

- A 69 by 53 foot long concrete boat ramp consisting of 210 cubic yards of fill
- A 8 by 52 foot long floating courtesy dock
- A 8 by 55 foot long floating courtesy dock

#### TO INSTALL:

- 54 linear feet of rip-rap revetment in front of an existing bulkhead consisting of approximately 45 cubic yards.
- Two (2) 53 foot long wing walls on each side of the new boat ramp

#### LOCATED ON PUBLIC SUBAQUEOUS LANDS:

At the terminus of Phillips Landing Road Laurel, Sussex County, Delaware 45

Pursuant to the provisions of 7 <u>Del. C.</u> 7205, the Department's <u>Regulations Governing the Use of Subaqueous Lands</u>, 7 <u>Del. C.</u>, 6003 and the Department's <u>Regulations Governing the Control of Water Pollution</u>, the Department's "Surface Water Quality Standards" and Section 401 of the <u>Clean Water Act</u>, and 33 <u>U.S.C</u>. Section 1341, permission is hereby granted on this <u>ACC</u> day of <u>Toly</u> A.D. 2018 to construct the above referenced project in accordance with the approved plans (3 sheets), as approved on June 11, 2018; and application dated January 31, 2018, and received by this Division on February 1, 2018.

WHEREAS, DNREC Division of Fish & Wildlife, owners of certain adjoining lands to Broad Creek, has applied for permission to install the indicated structures for public use; and;

WHEREAS, pursuant to the provisions of 7 <u>Del. C.</u>, §7203, Section 401 of the Clean Water Act, and 7 <u>Del. C.</u>, Chapter 60 the Secretary of the Department of Natural Resources and Environmental Control through his duly authorized representative finds that it is not contrary to the public interest if this project is approved subject to the terms and conditions herein set forth.

NOW THEREFORE, this Permit/Certification is issued subject to the attached Subaqueous Lands, and Water Quality General Conditions and the following special conditions:

#### **SPECIAL CONDITIONS**

- 1. This approval is in accordance with the plans and application submitted to the Department of Natural Resources and Environmental Control, a copy of which is attached hereto and made a part hereof.
- 2. The permittee is responsible to ensure that all workers are informed of the provisions of the Permits/Certification. All workers shall be trained in the proper avoidance of protected environmental resources and be made aware of the limits of construction in environmentally protected areas.
- 3. This Permit/Water Quality Certification is granted for the purpose of providing expanded launching access to Broad Creek and the Nanticoke River, as stated in the Permit/Water Quality Certification application. Any other use without prior approval shall constitute reason for this Permit/Water Quality Certification being revoked.
- 4. The Wetlands and Subaqueous Lands Section shall be notified at least five (5) working days prior to the commencement of work.
- 5. The Nanticoke River watershed is a migratory corridor for Atlantic Sturgeon. To minimize impacts to Atlantic Sturgeon, no in-water work shall occur between August 15<sup>th</sup> to November 1<sup>st</sup> of any year.
- 6. Broad Creek is a migratory corridor for anadromous species. To minimize impacts to migrating anadromous fish, no in-water work shall occur between March 15th to June 1<sup>st</sup> of any year.
- 7. Please notify Edna Stetzar (Edna.Stetzar@state.de.us, 302-735-8654) at least two weeks prior to any necessary boat ramp closures so that a press release can be issued to inform fishing clubs that may have already scheduled tournaments.

- 8. The work authorized by this Permit/Water Quality Certification is subject to the terms and conditions of the appropriate Department of the Army Individual Permit.
- 9. Permanent impacts to waters shall be performed in a manner that minimizes impacts to the greatest extent possible.
- 10. Construction shall be performed so that the associated debris is contained and disposed of properly. If any debris is discharged into Broad Creek or adjacent lands, it shall be collected, contained and disposed of properly.
- 11. Upon project completion, no construction materials or debris shall be left on-site.
- 12. All fill materials associated with the proposed project shall be clean and free from oils, grease, asphalt and other contaminants.
- 13. The permittee shall employ measures during construction to prevent spills of fuels or lubricants. In the event of a spill, efforts shall be taken to prevent its entry into Broad Creek. Any spills entering the associated waters shall be contained immediately. This office shall be notified of any spill(s) within six hours of occurrence. This office will determine the effectiveness of spill and contamination removal and specify remediation as necessary.
- 14. All equipment and machinery utilized in construction shall arrive on-site in a clean condition and shall be maintained free of fluid leaks. An emergency spill kit shall be available on-site to handle any fluid leaks or spills from machinery.
- 15. Erosion and sediment control measures shall be implemented in accordance with the specifications and criteria in the current Delaware Erosion and Sediment Control Handbook, so as to minimize entry and dispersal of sediment and other contaminants in surface waters.
- 16. The Contractors Completion Report shall be filled out and returned within 10 days of completion of the authorized work.

IN WITNESS W	HEREOF, I,	Tyler Brov	vn, the duly	autl	norized represen	tative of	Shawn	M. Gar	vin,
Secretary of the	Department of	of Natural	Resources	and	Environmental	Control,	have 1	hereunto	set
my hand this?	704v	_day of _	JUI	4		, 2018.			

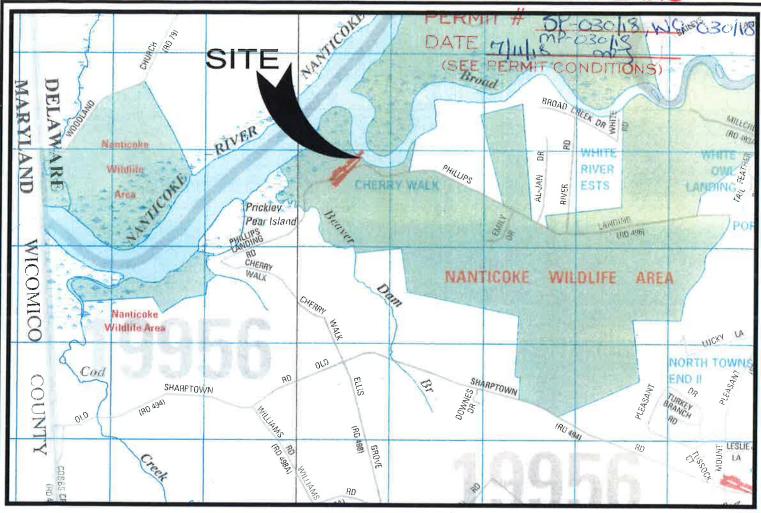
Signature on File

By Tyler Brown, Section Manager the duly authorized representative of the Secretary of the Department of Natural Resources and Environmental Control

Signature on File

Matthew Jones, Environmental Scientist Wetlands and Subaqueous Lands Section

## APPROVED PLANS



Vicinity Map

SCALE : 1" = 2500'



First Edition Map 28, Grid A10

Copyright ADC The Mop People Permitted Use No. 12312014

#### SCOPE OF WORK

Boat Ramp: 69.2' wide x 69.6' long; 53' max. Wingwalls: (2) 69.6' long; 53' max.

Boarding Piers: (1) 8' x 11' concrete, (1) 9.25' x 11' concrete, (2) 8' x 60' floating; 55' max.

East Scour Stone: 10.5' wide x 27' long; 26' max. West Scour Stone: 10.5' wide x 27.1' long; 24' max. Mobi-Mat: 10' wide x 50' long; 41' max.

#### NOTES:

- 1... MEAN TIDAL RANGE IS APPROXIMATELY 2.5 FEET.
- 2. SOUNDINGS ARE IN FEET AND REFER TO MLW.
- THESE DRAWINGS ARE FOR PERMIT PURPOSES ONLY. DESIGN DRAWINGS ARE TO BE PROVIDED SEPARATELY.

#### INDEX OF DRAWINGS

1 ----- COVER
2 ----- ADJACENT PROPERTY OWNERS
3 ----- EXISTING CONDITIONS

4 ----- SITE PLAN

5----- SECTIONS

# PER 1 - 7018

# ADJOINING PROPERTY OWNERS

TAX MAP 432-1,00-1,00: JOHN CARLTON DICKERSON 32730 GORDY ROAD LAUREL, DE 19956

TAX MAP 432-2,00-2,10: CHERRY WALK WOODS LLC P.O. BOX 24 BETHEL, DE 19931

SHEET 1 OF 5

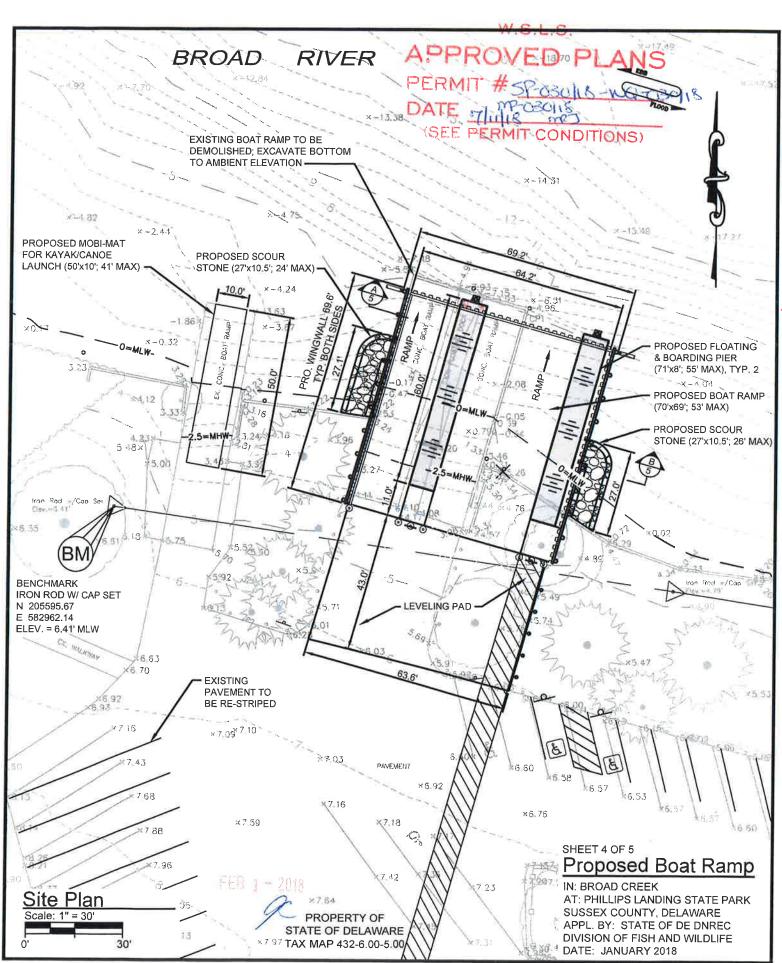
### Proposed Boat Ramp

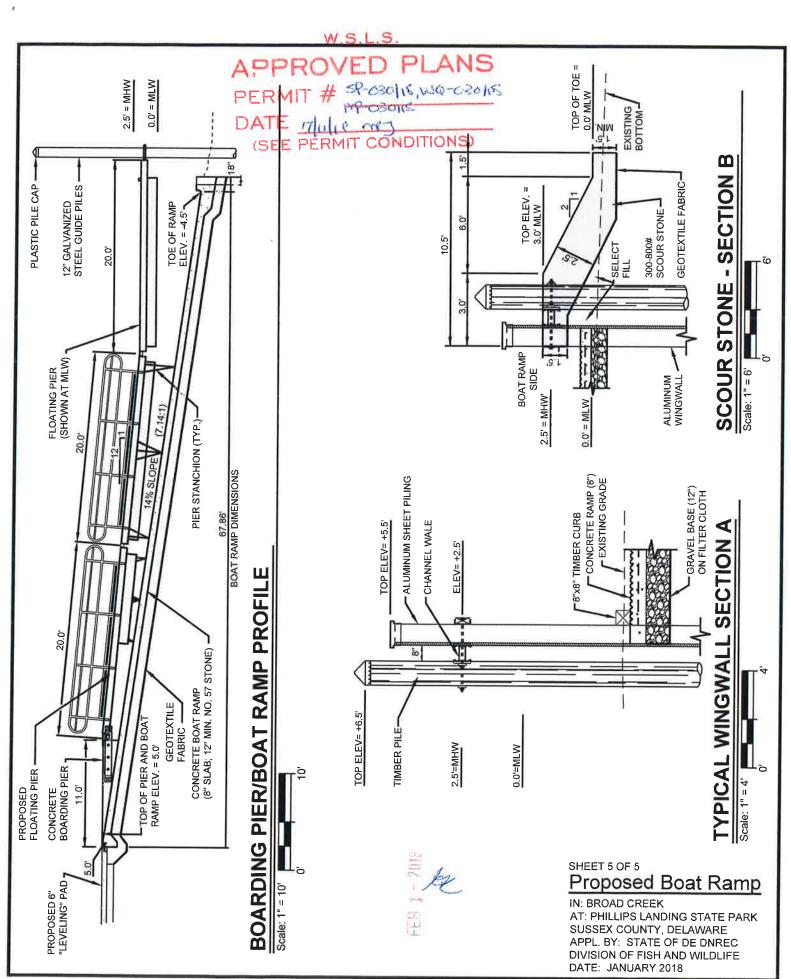
IN: BROAD CREEK
AT: PHILLIPS LANDING STATE PARK
SUSSEX COUNTY, DELAWARE
APPL. BY: STATE OF DE DNREC
DIVISION OF FISH AND WILDLIFE
DATE: JANUARY 2018



DAVIS, BOWEN & FRIEDEL, INC.

EASTON, MARYLAND (410) 770-4744 SALISBURY, MARYLAND (410) 543-9091 MILFORD, DELAWARE (302) 424-1441





Water Quality Certification General Conditions Page 1 of 2



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

#### **GENERAL CONDITIONS**

- 1. The permittee and contractor shall at all times comply with all applicable laws and regulations of the Department of Natural Resources and Environmental Control.
- 2. The activities authorized herein shall be undertaken in accordance with the all conditions, the final stamped and approved plans, and with the information provided in the application.
- 3. A copy of this Certification and the stamped approved plans shall be available on-site during all phases of construction activity.
- 4. The conditions contained herein shall be incorporated into any and all construction contracts associated with the construction authorized herein. The permittee and contractor are responsible to ensure that the workers executing the activities authorized by this Certification have full knowledge of, and abide by, the terms and conditions of this Certification.
- 5. No portion of the structure shall be constructed using creosote treated lumber.
- 6. No portion of the structure(s) authorized by this Certification shall exceed the width dimension for that structure identified on Page One of this Certification.
- 7. The activities authorized herein shall be conducted so as not to violate the State of Delaware's Surface Water Quality Standards in effect at the date of Certification.
- 8. The issuance of this Certification does not constitute approval for any activities that may be required by any other local, state or federal government agency.
- 9. The issuance of this Certification does not imply approval of any other part, phase, or portion of any overall project the permittee may be contemplating.
- 10. This Certification authorizes only the activities described herein. Modifications to the project may require a supplemental approval from this office prior to the initiation of construction. A determination of the need for a supplemental approval will be made by this office pursuant to the permittee submitting written notification and revised plans indicating project changes. Failure to contact the Department prior to executing changes to the project shall constitute reason for this Certification being revoked.
- 11. The Contractors Completion Report shall be filled out and returned within 10 days of completion of the authorized work.
- 12. The permittee will protect and hold the State of Delaware harmless from any loss, cost or damage resulting from the construction or use of said structures.
- 13. Representatives of the Department of Natural Resources and Environmental Control shall be allowed to access the property to inspect all work during any phases of the construction and may conduct post-construction compliance inspections, collect any samples or conduct any tests that are deemed necessary.
- 14. The permittee shall maintain all authorized structures and activities in a good and safe condition.

Delaware's good nature depends on you!



WETLANDS & SUBAQUEOUS LANDS SECTION

B9 KINGS HIGHWAY DOVER, DELAWARE 19901

TELEPHONE (302) 739-9943 FAX (302) 739-6304

# SUBAQUEOUS LANDS PERMIT CONTRACTOR'S COMPLETION REPORT POST-CONSTRUCTION

Subaqueous Lands Permit Number: SP-030/18, WQ-030/18 Name: DNREC Division of Fish & Wildlife Address: 89 Kings Hwy Dover, DE 19901 Parcel #: 4-32-6.00-5.00 I hereby certify that I have constructed the project authorized by the above-referenced Subaqueous Lands Permit in accordance with the approved plans for the project. Printed Name of Contractor Name of Company Contractor's Signature Date **Telephone Number** Upon completion of construction, this form shall be completed, signed by the contractor, and mailed to the Wetlands and Subaqueous Lands Section at: **DNREC** Wetlands and Subaqueous Lands Section 89 Kings Highway Dover, Delaware 19901 Or faxed to the Wetlands and Subaqueous Lands Section at: 302-739-6304 This form must be received by the Department within ten days of the date that construction is completed. For official use only Compliance inspection date Built in accordance with plans  $\square$  Yes  $\square$  No Scientist:



#### **WETLANDS AND SUBAQUEOUS LANDS SECTION**

PERMIT NO.: 030/18, WQ-030/18

CONSTRUCTION EXPIRATION DATE: 7-20-2018

**Authorized** by

TO REPURPOSE:

An existing single concrete boat ramp by installing a 10 by 41 foot long Mobi-Mat for kayak access

#### TO CONSTRUCT AND UTILIZE:

- A 69 by 53 foot long concrete boat ramp consisting of 210 cubic yards of fill
- A 8 by 52 foot long floating courtesy dock
- A 8 by 55 foot long floating courtesy dock

#### TO INSTALL:

- 54 linear feet of rip-rap revetment in front of an existing bulkhead consisting of approximately 45 cubic yards.
- Two (2) 53 foot long wing walls on each side of the new boat ramp

LOCATED ON PUBLIC SUBAQUEOUS LANDS:

At the terminus of Phillips Landing Road Laurel, Sussex County, Delaware

ISSUED TO: DNREC Division Of Fish & Wildlife

LOCATION OF WORK: Same as above

DISPLAY THIS CERTIFICATE IN A HIGHLY VISIBLE LOCATION ON THE JOB SITE.



## **DIVISION OF WATER**

WETLANDS & SUBAQUEOUS LANDS SECTION

89 KINGS HIGHWAY DOVER, DELAWARE 19901

TELEPHONE (302) 739-9943 FAX (302) 739-6304

DNREC Division of Fish & Wildlife

Attention: John Clark 89 Kings Hwy

Dover, DE 19901

Tax Parcel: 4-32-6.00-5.00

Marina Permit: MP-030/18

Associated Permits: SP-030/18, WQ-030/18

Date of Issuance: 7-20-2018

Marina Construction Expiration Date: 7-20-2021

Amended Date: N/A

#### **MARINA PERMIT**

**GRANTED TO:** 

**DNREC Division of Fish & Wildlife** 

TO OPERATE AND UTILIZE:

A 69 foot wide by 53 foot long concreate public boat ramp A 10 foot wide by 41 foot long kayak access

TO INSTALL AND UTILIZE:

An 8 wide by 52 foot long floating courtesy dock A 8 foot wide by 55 foot long floating courtesy dock

#### LOCATED ON PUBLIC SUBAQUEOUS LANDS:

At the terminus of Phillips Landing Road Laurel, Sussex County, Delaware

Pursuant to the provisions of 7 Del. C., Chapter 60, Environmental Control, Chapter 72, the Subaqueous Lands Act, and the "Delaware Marina Regulations" and "Regulations Governing the Use of Subaqueous Lands" permission is hereby granted on this 20th day of July A.D. 2018, to construct and operate the above-referenced marina in accordance with the approved plans (3 sheets) as approved on July 11, 2018, and the application dated January 31, 2018 and received by the Department on February 1, 2018.

WHEREAS, DNREC Division of Fish & Wildlife, owners of certain adjoining lands to Broad Creek, has applied for permission to utilize the indicated structures for public use; and;

WHEREAS, pursuant to the provisions of 7 <u>Del. C.</u>, Chapters 60, <u>Environmental Control</u>, Chapter 72, the <u>Subaqueous Lands Act</u>, and the "Delaware Marina Regulations" and "Regulations Governing the Use of Subaqueous Lands", the Secretary of the Department of Natural Resources and Environmental Control through his duly authorized representative finds that it is not contrary to the public interest if this project is approved subject to the terms and conditions herein set forth.

NOW THEREFORE, this Permit is issued subject to the attached Subaqueous Permit General Conditions and the following Management Requirements and Special Conditions:

#### A. MANAGEMENT REQUIREMENTS

#### 1. Changes of Permit Terms or Conditions

A report must be submitted to the Department describing any anticipated marina facility changes or expansions that would require modification of the terms and conditions of this Permit. The Department must approve changes prior to implementation.

#### 2. Noncompliance Notification

In the case of noncompliance with State regulations and Permit conditions, the permittee shall report to the Department:

Orally within twenty-four (24) hours from the time the permittee became aware of any noncompliance which may endanger public health or the environment at (302) 739-9943 during normal working hours, or (800) 662-8802 after normal working hours, and In writing, as soon as possible, and within five (5) days of the date the permittee knows or should know of any noncompliance, unless this period is extended by the Department. This written notification shall contain:

- i. A description of the condition of noncompliance and its cause, and
- ii. The period of noncompliance, including exact dates and times, or if not yet corrected, the anticipated time the noncompliance is expected to continue and the steps being taken to reduce, eliminate and prevent recurrence of the noncomplying condition.

#### 3. Facilities Operation

The permittee and contractor shall at all times maintain in good working order, and operate as efficiently as possible, all systems and equipment used for construction activities or to achieve compliance with the terms and conditions of this Permit. The facility shall be operated in accordance with the approved Marina's Operations and Maintenance Plan.

#### 4. Operations and Maintenance Plan

Within 90 days of the issuance of this Marina Permit, the permittee shall submit an updated O&M Plan that reflects the marina authorized herein to the Wetlands and Subaqueous Lands Section for review and approval. Every four years thereafter the permittee shall submit an updated O&M plan for review and approval by the Wetlands and Subaqueous Lands Section.

#### 5. Transferability

This Permit may not be transferred without the prior written consent of the Department. Prior to the transfer of the property, the permittee shall obtain the written consent of the Department to transfer this Permit to the new property owner. Failure to obtain such written consent may result in the revocation of this Permit which would require the removal of all structures authorized by this Permit at the expense of the permittee.

This Permit may be transferable upon Department review and approval of the stated intentions, provided that a letter explaining the intention to transfer, accompanied by a copy of the Permit, is provided to the Department and signed by both the transferor and the transferee at least ten (10) days prior to the actual transfer. A new, updated Operations and Maintenance Plan must be submitted for Department review and approval whenever the marina ownership changes.

#### 6. Reporting a Discharge

Any person who causes or contributes to the discharge of a pollutant into State waters, whether in excess of any conditions specified in this Permit or in the absence of a specific permit condition, shall report such an incident to the Department as required under 7 Del. C., §6028.

#### 7. Permit Modification, Suspension or Revocation

This Permit may be modified, suspended or revoked in whole or in part during its term for cause including, but not limited to, the following:

- i. Violation of any terms or conditions of this Permit;
- ii. Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts, or if information and data provided by the applicant in good faith proves to be false;
- iii. Information that the permitted activity poses a threat to human health or welfare;
- iv. Failure by the permittee to obtain all other applicable Federal, State or local permits or approvals which may be required or failure to comply with such permits or approvals.

#### 8. Liability Clause

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under any State law or regulation.

#### 9. Property Rights

The issuance of this Permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

#### 10. Severability

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

#### SPECIAL CONDITIONS

#### 1. Purpose:

The project in subaqueous lands shall be for authorization of the construction of the public boat launch.

#### 2. Vessel Maintenance:

This Permit does not authorize any major vessel maintenance or repair activities at the marina, whether by marina personnel, subcontractors or vessel owners. Only minor maintenance, such as washing, polishing and limited inboard painting is authorized. No pressure washing, bottom or hull scraping, sanding or painting, or major engine overhauls are authorized. All vessel maintenance must be managed to prevent discharge of pollutants into the environment. All materials used in maintenance and any wastes generated from maintenance activities must be stored, handled and disposed properly, and in compliance with Department regulations. Failure to properly handle vessel maintenance material or wastes may result in the revocation of this Permit.

#### 3. Dimensions of Decking:

No portion of the decking on the piers and docks authorized by this Permit shall exceed the width dimensions for those structures identified on the dimension plan of this Permit.

#### 4. Corps of Engineers Permit:

The work authorized by this Permit is subject to the terms and conditions of the applicable Department of the Army Individual Permit.

Tyler Brown, the duly authorized representative of Shawn M. Garvin, f Natural Resources and Environmental Control, have hereunto set day of, 2018.
Signature on File
By Tyler Brown Section Manager the duly authorized representative of the Secretary of the Department of Natural Resources and Environmental Control
Signature on File
Matthew Jones, Environmental Scientist Wetlands and Subaqueous Lands Section



#### DIVISION OF WATER

WETLANDS & SUBAQUEOUS LANDS SECTION

89 KINGS HIGHWAY DOVER, DELAWARE 19901

TELEPHONE (302) 739-9943 FAX (302) 739-6304

# MARINA PERMIT CONTRACTOR'S COMPLETION REPORT POST-CONSTRUCTION

Marina Permit Number: MP-030/18

Name: DNREC Division of Fish & Wildl	TITLL
--------------------------------------	-------

C/o: John Clark

Address: 89 Kings Hwy

Dover, DE 19901

Parcel #: 4-32-6.00-5.00

I hereby certify that I have constructed the project authorized by the above-referenced Marina Permit in accordance with the approved plans for the project.

Printed Name of Contractor	Name of Company
Contractor's Signature	Date
Telephone Number	
Upon completion of construction, this form s mailed to the Wetlands and Subaqueous Land	hall be completed, signed by the contractor, and ls Section at:
, I	ONREC
	Laurent Laurent Cartier

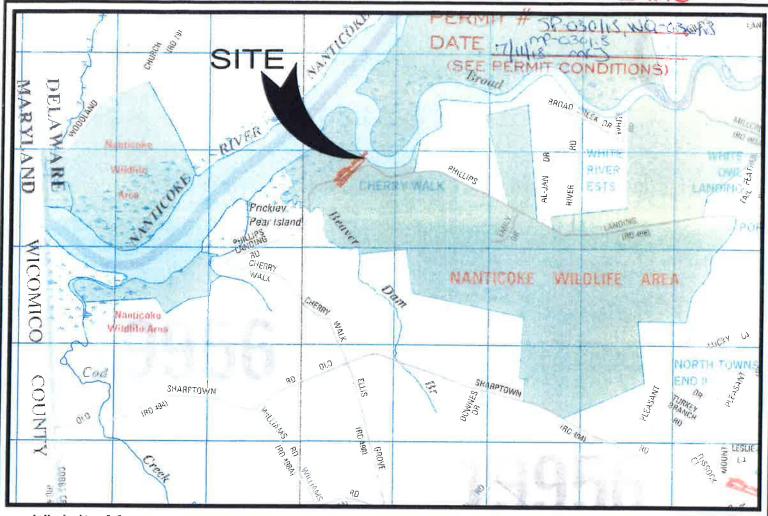
### Wetlands and Subaqueous Lands Section 89 Kings Highway Dover, Delaware 19901

Or faxed to the Wetlands and Subaqueous Lands Section at: 302-739-6304

This form must be received by the Department within ten days of the date that construction is completed.

For official use only	
Compliance inspection date	Built in accordance with plans $\square$ Yes $\square$ No
Scientist:	

## APPROVED PLANS



Vicinity Map

SCALE: 1" = 2500"



First Edition Map 28, Grid A10

Copyright ADC The Map People Permitted Use No. 12312014

#### SCOPE OF WORK

Boat Ramp: 69.2' wide x 69.6' long; 53' max.

Wingwalls: (2) 69.6' long; 53' max.

Boarding Piers: (1) 8' x 11' concrete, (1) 9.25' x 11' concrete,

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#### NOTES:

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- 2. SOUNDINGS ARE IN FEET AND REFER TO MLW.
- THESE DRAWINGS ARE FOR PERMIT PURPOSES ONLY, DESIGN DRAWINGS ARE TO BE PROVIDED SEPARATELY.

#### INDEX OF DRAWINGS

1 ----- COVER

2 - - - - ADJACENT PROPERTY OWNERS

B----- EXISTING CONDITIONS

4----- SITE PLAN

5----- SECTIONS

# ADJOINING PROPERTY OWNERS

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TAX MAP 432-2.00-2.10: CHERRY WALK WOODS LLC P.O. BOX 24 BETHEL, DE 19931



#### SHEET 1 OF 5

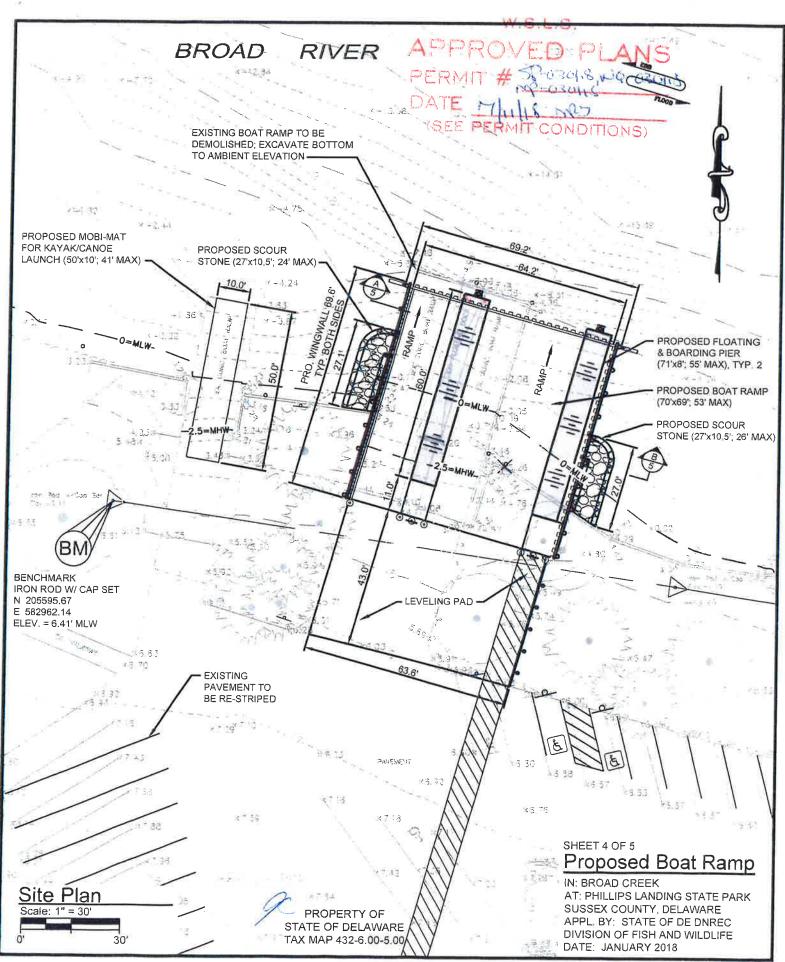
### Proposed Boat Ramp

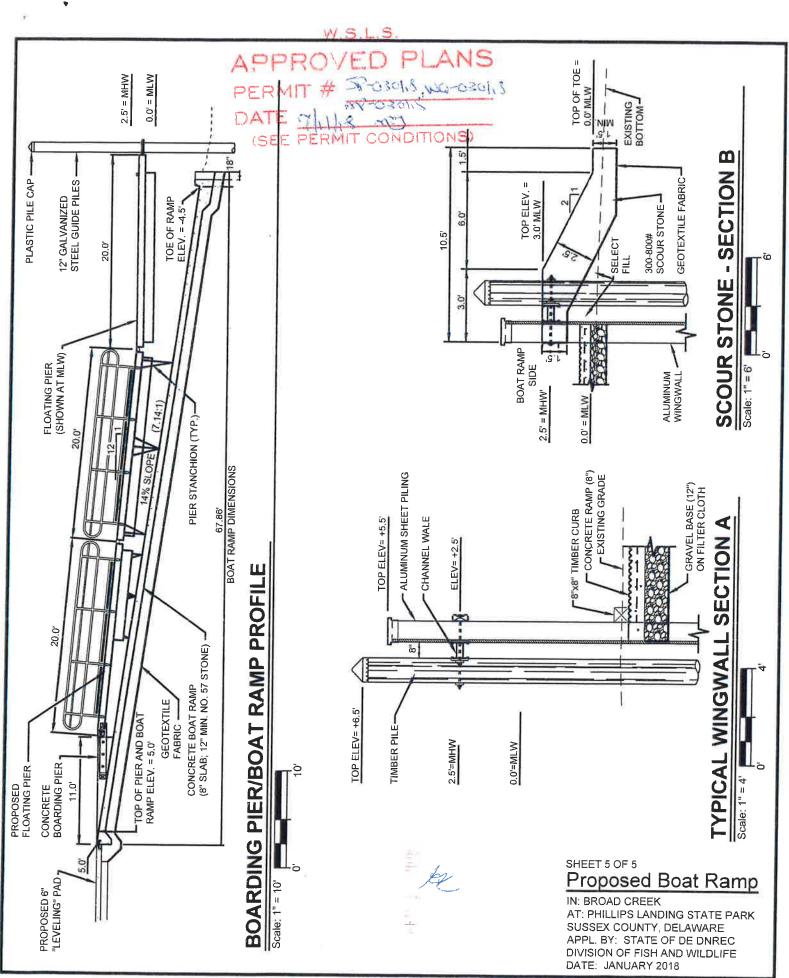
IN: BROAD CREEK
AT: PHILLIPS LANDING STATE PARK
SUSSEX COUNTY, DELAWARE
APPL. BY: STATE OF DE DNREC
DIVISION OF FISH AND WILDLIFE
DATE: JANUARY 2018



DAVIS,
BOWEN &
FRIEDEL, INC.

EASTON, MARYLAND (410) 770-1744 SALISBURY, MARYLAND (410) 543-9091 MILFORD, DELAWARE (302) 424-1441







#### **WETLANDS AND SUBAQUEOUS LANDS SECTION**

**PERMIT NO.: MP-030/18** 

CONSTRUCTION EXPIRATION DATE: 7-20-2021

#### TO CONDUCT THE FOLLOWING ACTIVITIES:

TO OPERATE AND UTILIZE:

A 69 foot wide by 53 foot long concreate public boat ramp A 10 foot wide by 41 foot long kayak access

TO INSTALL AND UTILIZE:

An 8 wide by 52 foot long floating courtesy dock A 8 foot wide by 55 foot long floating courtesy dock

#### **LOCATED ON PUBLIC SUBAQUEOUS LANDS:**

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**ISSUED TO: DNREC Division Of Fish & Wildlife** 

**LOCATION OF WORK: Same as above** 

DISPLAY THIS CERTIFICATE IN A HIGHLY VISIBLE LOCATION ON THE JOB SITE.

Authorized by: