



# Missouri Department of Natural Resources

## MINUTES

### MISSOURI SOIL AND WATER DISTRICTS COMMISSION

Tan-Tar-A Resort

Rooms 72-73

Osage Beach, Missouri

December 18, 2014

**COMMISSION MEMBERS PRESENT:** Charles Ausfahl, Thomas Bradley, H. Ralph Gaw, and Gary Vandiver

**EX-OFFICIO MEMBERS:** RICHARD FORDYCE, DEPT. OF AGRICULTURE: Judy Grundler; BOB ZIEHMER, DEPT. OF CONSERVATION: Lisa Potter  
SARA PARKER PAULEY, DEPT. OF NATURAL RESOURCES: Joe Engeln;  
DEAN THOMAS PAYNE, UNIV. OF MISSOURI: David Baker

**ADVISORY MEMBERS PRESENT:** SOIL & WATER CONSERVATION PROGRAM: Colleen Meredith; NATURAL RESOURCES CONSERVATION SERVICE (NRCS): J.R. Flores; MISSOURI ASSOCIATION OF SOIL AND WATER CONSERVATION DISTRICTS (MASWCD): Kenny Lovelace; ATTORNEY GENERAL'S OFFICE: Tim Duggan

**STAFF MEMBERS PRESENT:** Van Beydler, Jim Boschert, Theresa Mueller, Jim Plassmeyer, Colette Weckenborg

**OTHERS PRESENT:** DISTRICTS: MISSOURI DEPARTMENT OF AGRICULTURE: Christa Moody; Ken Struempf; MISSOURI FARM BUREAU: Kelly Smith; MISSOURI SOIL AND WATER CONSERVATION DISTRICT EMPLOYEES ASSOCIATION (MSWCDEA): Sandy Stratman; MISSOURI ASSOCIATION OF SOIL AND WATER CONSERVATION DISTRICTS (MASWCD): Mike Kelley; MISSOURI DEPARTMENT OF NATURAL RESOURCES: Kurt Boeckmann; NATURAL RESOURCES CONSERVATION SERVICE: Marty Comstock

#### A. CALL TO ORDER

Chairman Gary Vandiver called the meeting to order in Osage Beach, Missouri, at 1:00 p.m. Charles Ausfahl, Thomas Bradley, H. Ralph Gaw and Gary Vandiver were present, which made a quorum.

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### B. MINUTES OF THE LAST MEETING

#### 1. May 28, 2014

H. Ralph Gaw made a motion to approve the minutes of May 28, 2014. Thomas Bradley seconded the motion. When asked by the Chair, Charles Ausfahl, Thomas Bradley, H. Ralph Gaw and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

#### 2. October 1, 2014

Thomas Bradley made a motion to approve the minutes of October 1, 2014. Charles Ausfahl seconded the motion. When asked by the Chair, Charles Ausfahl, Thomas Bradley, H. Ralph Gaw and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

### C. DEPARTMENT OF NATURAL RESOURCES

1. Joe Engeln informed the Commission that the Department had been working closely with the University of Missouri and NRCS to create a comprehensive soil health lab. He stated that it would be housed in the College of Agriculture, Food and Natural Resources and hopefully operational in the next several months with the two staff members that are already associated with the lab.

Mr. Engeln stated the NRCS Regional Conservation Partnership Program grants decision was originally supposed to be in November, but now it will be after the first of the year.

Next, Mr. Engeln informed the Commission that the Department had completed a minor realignment. He stated the Water Resources Center and the Land Reclamation Program has been moved back into Missouri Geological Survey, and the Land Reclamation Commission is now the Missouri Mining Commission. He stated the Soil and Water Conservation Program (SWCP) was moved back into the Division of Environmental Quality and the Nonpoint Source Program (319 Program) is now part of SWCP. He informed the Commission that these moves were effective December 1, 2014.

It was pointed out that the 319 Program is independent of SWCP and has no financial burden on SWCP.

### D. SOIL AND WATER CONSERVATION PROGRAM DIRECTOR'S COMMENTS

#### 1. FY15 Fund Status and Supplemental Cost-Share Allocations

Colette Weckenborg presented the fiscal year (FY)15 Fund Status and Supplemental Cost-Share Allocation report. She stated that as of December 17, 2014, \$32,809,467 had been allocated in Regular cost-share and of that amount, \$19,024,492 had been obligated. The total amount paid as of that date was \$7,181,747. She stated for Special Area Land Treatment (SALT) cost-share as of

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December 17, 2014, \$534,517 had been allocated and of that amount, \$209,927 had been obligated. The total amount paid as of that date was \$89,198. She pointed out that this is the last year of SALT projects but obligations may continue past this year.

Next, she covered the supplemental cost-share allocation parameters. She stated the current threshold is 90 percent obligated of the total allocation in each resource concern. As that threshold is met, a supplemental allocation to qualifying resource concerns is \$20,000. She covered the supplemental allocation schedule that ran from October 9, 2014 through December 4, 2014. She pointed out that the highest amount that was distributed to the districts was \$900,000 on October 9, 2014. She informed the Commission that there were a total of seven different allocation dates. The total for the seven is just a little under \$3,600,000 and the current district limit is \$300,000 total supplemental allocation per district.

After discussion, H. Ralph Gaw made a motion to continue the supplemental allocation process and go to a bi-weekly process through February 5, 2015. Thomas Bradley seconded the motion. When asked by the Chair, Charles Ausfahl, Thomas Bradley, H. Ralph Gaw and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

### 2. **FY16 Cost-Share Allocations**

Colette Weckenborg presented the FY16 Cost-Share Allocation report. She stated the Needs Requests for FY16 totaled \$69.7 million. She stated that of that amount, \$42,025,901 or 60 percent was requested in the Sheet, Rill and Gully resource concern.

Next, Ms. Weckenborg covered the FY16 Allocation Process for the Commission. She stated the FY16 Proposed Allocation total was \$28,189,891, with Sheet, Rill and Gully having the largest amount of \$18,115,749. She stated that in January 2015, 100 percent of the FY16 Animal Waste and Nutrient and Pest Management funding would be available to districts as well as 10 percent of the FY16 initial allocation based on the remaining resource concerns. In July 2015, the remaining FY16 initial allocation will be available and the FY16 supplemental allocations will start in August 2015. She pointed out that MoSWIMS would be used as a monitor for obligations and spending.

After discussion, Thomas Bradley made a motion to approve the FY16 Cost-Share Allocation Process and Schedule as presented to the Commission. Charles Ausfahl seconded the motion. When asked by the Chair, Charles Ausfahl, Thomas Bradley, H. Ralph Gaw and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

### 3. **Soil and Water Conservation District (SWCD) Intern Program Survey**

Colette Weckenborg presented the SWCD Intern Program report. She stated there were 43 districts that participated for a total of \$133,956 spent for the program. She informed the Commission that two surveys were developed to evaluate the intern program from the viewpoint of the districts and the interns. She stated the

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responses were anonymous and it was open to all 114 districts, with 90 completing the questionnaire; of those 90, 43 had hired an intern and 47 had not. She stated that 27 of the 43 interns completed their survey. Ms. Weckenborg covered some of the questions and responses from the surveys which were overall positive in support of the program.

After discussion, H. Ralph Gaw made a motion to provide districts the availability to hire an intern for calendar year 2015 using the same requirements as established for 2014 at a maximum expenditure of \$3,500. Charles Ausfahl seconded the motion. When asked by the Chair, Charles Ausfahl, Thomas Bradley, H. Ralph Gaw and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

### E. REQUEST

#### 1. Supervisor Requests

##### a. **Camden Soil and Water Conservation District (SWCD)**

Jim Boschert presented the Camden SWCD supervisor appointment request. The Camden SWCD Board requested the appointment of Mr. Troy Frederick to complete the unexpired term of Mr. Gregory Fry due to his resignation. Mr. Frederick and the board chairman signed the Verification of Supervisor Eligibility form verifying the candidate meets the qualifications to serve on the board.

Charles Ausfahl made a motion to approve the appointment of Mr. Troy Frederick to complete the unexpired term of Mr. Gregory Fry to the Camden SWCD Board of Supervisors. H. Ralph Gaw seconded the motion. When asked by the Chair, Charles Ausfahl, Thomas Bradley, H. Ralph Gaw and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

##### b. **Madison Soil and Water Conservation District**

Jim Boschert presented the Madison SWCD supervisor appointment request. The Madison SWCD Board requested the appointment of Mr. Jeff Amelunke to complete the unexpired term of Mr. Dan Tilk due to his resignation. Mr. Amelunke and the board Chairman have signed the Verification of Supervisor Eligibility form verifying the candidate meets the qualifications to serve on the board.

H. Ralph Gaw made a motion to approve the appointment of Mr. Jeff Amelunke to complete the unexpired term of Mr. Dan Tilk to the Madison SWCD Board of Supervisors. Thomas Bradley seconded the motion. When asked by the Chair, Charles Ausfahl, Thomas Bradley, H. Ralph Gaw and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

**2. Audrain Soil and Water Conservation District – Lease Agreement for Cover Crop Demonstration Plot**

Jim Boschert presented a request from Audrain SWCD for a lease agreement for a cover crop demonstration plot. He stated the Commission had approved a similar request for Callaway SWCD in May of 2014. Mr. Boschert provided some slides from Audrain SWCD. The plot location for the demonstration is at the Mexico USDA Service Center. He stated the SWCD was demonstrating two different seeding options; one is a cereal rye/red clover for the spring termination and the other is oats/turnip/radish for the winter termination. He stated that in each of these plots, part would be no-till and the other would be conventional tillage. He pointed out that they had started this on September 8, 2014 and seeded it the same day.

Mr. Boschert stated that by statute, districts must get approval from the Commission before entering into legal agreements. The Missouri Revised Statutes 278.120.2 states: "A soil and water district through the board of soil and water district supervisors shall have the following authority" and 278.120.2 (5) states: "To make and execute contracts and other legal instruments, necessary for the saving of the soil and water in that district, subject to approval by the state's Soil and Water Districts Commission."

After discussion, H. Ralph Gaw made a motion to allow Audrain SWCD to enter into a lease agreement to establish a cover crop demonstration plot for the purpose of educating producers. The Commission is not responsible for the local decisions made in carrying out the contract details. Charles Ausfahl seconded the motion. When asked by the Chair, Charles Ausfahl, Thomas Bradley, H. Ralph Gaw and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

**3. Cooper Soil and Water Conservation District – N340 Cover Crops: Practice Started Prior to Board Approval**

Jim Plassmeyer presented the Cooper SWCD N340 Cover Crop practice that was started prior to board approval. The issue was: Should the Commission grant the Cooper SWCD a variance and allow three cover crop contracts to be board approved after the practice had been started. He stated that the rule 10 CSR 70-5.020 (2) states: "The district's board will act upon only those applications for cost-sharing from landowners ...for eligible practices on which construction or implementation has not yet begun." He stated the Cost-Share policy states: "Cost-Share assistance is not authorized for practices installed or started prior to board approval of the contract. A practice has been started when the required components of the practice have been applied or fabricated to an extent that they cannot be returned for a complete refund." He stated in this case, they applied the seed before the contract was signed. Mr. Plassmeyer provided some background information from the district. He pointed out that the state cost-share rule does have a variance in it that allows the Commission to grant a variance to their rules and policies.

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After some discussion, Thomas Bradley made a motion to approve the Cooper SWCD Board's request to approve contracts CC 103-15-018, 022 and 023 for cover crop practices that were started prior to board approval. Charles Ausfahl seconded the motion. When asked by the Chair, Charles Ausfahl, Thomas Bradley, H. Ralph Gaw and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

#### 4. **Pettis Soil and Water Conservation Districts – N351 Well Decommissioning: Contract Started Prior to Board Approval**

Jim Plassmeyer presented the Pettis SWCD N351 Well Decommissioning contract that was completed prior to board approval. The issue was: Should the Commission grant a variance and allow the Pettis SWCD to develop a contract to pay for a decommissioned well that had been completed prior to board approval. Mr. Plassmeyer provided some background information that was submitted by the district. He stated that the son and the landowner appealed to the Pettis Board of Supervisors on October 6, 2014 and the board decided to send a request to the Commission for approval to develop a contract on the completed decommissioned well. He reiterated that 10 CSR 70-1.010 (G) does authorize the Commission to grant variances to their cost-share rules.

After some discussion, H. Ralph Gaw made a motion to grant a variance to allow the Pettis SWCD to develop a contract to pay for the decommissioned well that was completed prior to board approval of a contract for Mrs. Mary Boatright. Thomas Bradley seconded the motion. When asked by the Chair, Charles Ausfahl, Thomas Bradley, H. Ralph Gaw and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

#### 5. **Randolph Landowner Request – N351 Well Decommissioning: Contract Started Prior to Board Approval**

Jim Plassmeyer presented a Randolph landowner's request on a N351 Well Decommissioning where the practice was started prior to board approval of a contract. The issue was: Should the Commission grant Mr. John Luecke a variance and direct the Randolph SWCD to develop a contract to pay for six decommissioned wells that had been completed prior to board approval of a contract. Mr. Plassmeyer provided the Commission with some background on the issue. He stated that the landowner appealed to the Randolph Board of Supervisors on July 10, 2014 to discuss the situation. At that time the board took no action in support of cost-share policy, and informed Mr. Luecke about the appeal process to the Commission.

After some discussion, H. Ralph Gaw made a motion to grant Mr. John Luecke a variance and direct the Randolph SWCD to develop a contract to pay for six decommissioned wells that had been completed prior to board approval of a contract provided the decommissioning was properly done. Charles Ausfahl seconded the motion under one condition that a letter be sent emphasizing the communication gap. When asked by the Chair, Charles Ausfahl, Thomas Bradley, H. Ralph Gaw and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

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### 6. **Increase Cost-Share Well Drilling Component in Southeast Missouri**

Jim Boschert presented the request from Southeast Missouri districts to increase the cost-share for the well drilling component. He reminded the Commission that this issue was initially presented in June 2014 and at that time it was determined that additional information was needed from Missouri Geological Survey (MGS) Program. This issue was presented again to the Commission in August 2014 and at that meeting the Commission heard from Ripley SWCD and Kyle Rollins from MGS on the difficulty of drilling wells in the southeastern part of the state. He informed the Commission that the program office asked the districts to provide the cost of the well drilling component for FY13 and FY14 including practices installed during the Drought Assistance Program. The districts were asked to provide the contract number, drilling cost per foot, well certification fee, set-up fee and the total landowner cost. Mr. Boschert informed the Commission that 13 of the 15 districts responded with a total of 255 contracts that included the well drilling component. He stated that according to the information submitted, the drilling cost per foot ranged from \$7.00 to \$24.00 and the average cost per foot was \$10.25. Mr. Boschert informed the Commission that the average cost-share received for contracts that included the well drilling component ranged from 60 to 92 percent of the total cost of the practice. He stated that since the drought the 15 districts supporting this request have approved 30 contracts with the well drilling component.

Mr. Boschert stated that in FY14, eight districts entered information into the NRCS database for the well drilling cost for a total of 16 data entry information points. He stated that with the information entered by the eight districts, the well drilling component cost was determined for the entire state.

Kenny Lovelace stated he had received information from Oregon SWCD letting them know why the districts were not present for this meeting. Mike Kelly, MASWCD Area 8 Director, pointed out that of the eight districts that entered information none were from the southeastern part of the state. He also pointed out that he thought that some of the cost of the drilling included the cost for the casing.

After some discussion, the Commission decided to table the issue pending more information.

### 7. **Lewis Soil and Water Conservation District – DWP-1 Erosion Control Structure: Cost-Share Maintenance Violation**

Jim Boschert presented the request from Lewis SWCD on a DWP-1 Erosion Control Structure that had a maintenance violation. He stated that Lewis SWCD was requesting assistance in collecting repayment of \$4,333.46 of cost-share funds from Marvin Klingele for the DWP-1 maintenance violation. He provided some background information on this contract. It was approved by the board on June 6, 2009, and it was paid on July 15, 2009, in the amount of \$7,886.29. He pointed out that it has a maintenance life of 10 years.

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Mr. Boschert provided the timeline of events. On January 10, 2013, the district technician completed a maintenance check and found that the practice was not being maintained according to NRCS standards and specifications. On December 19, 2013, the district sent Mr. Klingele a letter describing the violation with a required completion date of March 31, 2014. On March 24, 2014, a second letter extending the deadline to April 30, 2014, was sent to the landowner. On June 20, 2014, a certified letter from the district was sent stating the practices had to be repaired or Mr. Klingele would have to repay cost-share in the amount of \$4,333.46; the district received a return receipt.

Mr. Boschert stated that on July 24, 2014, the district requested assistance from the program office to resolve the violation or collect the cost-share repayment. The program office sent a certified letter to Mr. Klingele on August 13, 2014. On November 9, 2014, the program office sent another certified letter to Mr. Klingele informing him that the issue would be taken to the Commission and the letter was signed as received by the landowner on November 29, 2014. Mr. Boschert informed the Commission that the program office had not received payment or an appeal request from the landowner.

Charles Ausfahl made a motion to support the Lewis Board of Supervisor's request to obtain repayment on the DWP-1 Sediment Retention, Erosion, or Water Control Structure practice by maintaining current policy and referring the matter to the Attorney General's Office for collection in the amount of \$4,333.46. H. Ralph Gaw seconded the motion. When asked by the Chair, Charles Ausfahl, Thomas Bradley, H. Ralph Gaw and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

### **8. Ray Soil and Water Conservation District - DSL-44 Terrace System with Tile: Partial Tile Replacement**

Jim Plassmeyer presented the Ray SWCD request for partial tile replacement on a DSL-44 Terrace System with Tile. Mr. Plassmeyer stated that the disaster declaration assistance (FEMA-4200-DR) that the Commission approved on December 15, 2014, did not include Ray County. The district would like to assist a landowner that sustained damage to a structure due to an extreme rain event. He stated that on October 2 and 3, 2015 part of Ray County received 6-7 inches of rain and two of the seven lines and two of the ten risers were damaged. He pointed out the practice was originally completed and certified on September 8, 2014 and paid on September 19, 2014.

H. Ralph Gaw made a motion to approve the Ray County Board's request to provide cost-share to replace the two tile lines and the two risers that were damaged on a practice under maintenance, contract number SGE 017-15-0011. Charles Ausfahl seconded the motion. When asked by the Chair, Charles Ausfahl, Thomas Bradley, H. Ralph Gaw and Gary Vandiver voted in favor of the motion and the motion carried unanimously.

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### F. NEW BUSINESS

Joe Engeln introduced Todd Sampsell the new Deputy Director for Department of Natural Resources. He stated that Mr. Sampsell started with the Department in early of November.

Mr. Sampsell stated he had met some of the Commissioners at the Natural Resources Conference. He stated he has an agricultural background and is pleased to participate.

H. Ralph Gaw asked if there was any information on the Health Insurance Options that were presented at a previous meeting. Colleen Meredith informed the Commission that the issue was taken to the Plan for the Future Program Delivery and Operations subcommittee and they are looking at it. She stated it was presented at a workshop at the Training Conference. She informed the Commission that they will look deeper into it and get a recommendation from the subcommittee and bring it back to the Commission.

**NOTE: Chairman Gary Vandiver left the meeting at 3:08 p.m. due to a prior engagement.**

### G. REPORTS

#### 1. University of Missouri

Dave Baker informed the Commission that they have a location for the Soil Health Lab at South Farm. He thanked the Commission for their interest in the Soil Health Lab and will provide more information as the transition occurs.

#### 2. Missouri Department of Conservation (MDC)

Lisa Potter informed the Commission that they had filled their Ag Liaison position, since Clint Dalbom's retirement, with Brent Vandeloecht who has been with the MDC for 11 years. She stated he had been the Private Lands Conservationist (PLC) in Linn and Chariton counties and been through the Agriculture Leaders of Tomorrow (ALOT) program.

Ms. Potter stated that through the MDC Conservation Reserve Program (CRP) Incentive Program they have allocated just under a \$1,000,000. They have enrolled over 6,000 acres of wildlife friendly CRP, and helped improve over 3,000 acres of CRP through mid-contract management practices such as prescribed burning. There is currently a waiting list for the next round of available funding. They completed a conservation opinion survey that was sent out to approximately 16,000 individuals with the response rate of approximately 30 percent. The general population survey assesses Missourians' awareness of MDC, opinions on conservation issues, and participation in outdoor and recreational activities.

Ms. Potter stated that MDC is starting up both turkey and deer research projects to monitor reproduction, survival, and habitat selection. This information will be used to help set future management recommendations. They also have an official Chronic Wasting Disease case recorded in Adair County. This brings the total

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number of cases in free-ranging deer to 11 and brings the statewide total of captive and free-ranging cases of CWD to 22.

Ms. Potter informed the Commission that she is the new MDC representative for the Commission.

### 3. **Department of Agriculture**

Judy Grundler welcomed the Commission to the 45<sup>th</sup> Governor's Conference on Agriculture. She covered the agenda for the conference. She stated that there was an announcement made for a Beef Summit that will be held January 5, 2015, at the University of Missouri which will cover different issues concerning the beef industry in Missouri and trying to keep more cattle in Missouri for finishing and processing.

### 4. **Natural Resources Conservation Service (NRCS)**

J.R. Flores stated that Congress had approved the spending bill and it was signed by the President. He provided a brief update on how it affects NRCS. He stated that the Conservation Technical Assistance increased approximately \$33 million for a total of \$846,423,000, and the Conservation Stewardship Program was reduced from 10,000,000 acres per year to 7,700,000 acres per year. He stated that overall the budget is not bad.

Mr. Flores informed the Commission that he hoped to hear results from the Regional Conservation Partnership Program application in January. He stated the Receipt for Service was part of the Farm Bill and is mandatory for Farm Service Agency, Rural Development and NRCS to provide it for each benefit or service sought by any customer. He stated that 2014 was a very successful year for conservation programs; EQIP and CSP had a total of \$64 million paid out to farmers and ranchers in Missouri. He stated the Conservation Security Program renewals were in process. He pointed out that they expire December 30, 2014, and if they are not renewed they will have to wait until there is another sign up. He informed the Commission they are working closely with the Soil and Water Conservation Program to hire 12 new soil and water conservation district technicians. He stated that NRCS is paying half of the support for these positions, but they will not be federal employees. They will be soil and water conservation district employees and will be hired and supervised by the districts. He stated the Emergency Watershed Protection Program was part of the appropriations bill that was approved. He stated there are three counties that he was aware of that had asked for assistance on public land.

### 5. **Missouri Association of Soil and Water Conservation Districts**

Kenny Lovelace stated he thought that the Commission informational meeting at the Training Conference went well. He reiterated that the Commission was going to look into health insurance and he hoped that there would be a way to get better insurance for employee spouses and children. He stated it is a difficult situation, but it would be nice if there was something to help with dependent coverage.

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**H. ADJOURNMENT**

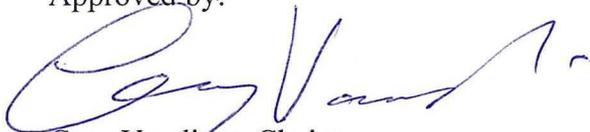
Charles Ausfahl made a motion to adjourn the meeting at 3:28 p.m. Thomas Bradley seconded the motion. By acclamation the meeting was adjourned.

Respectfully submitted,



Colleen Meredith, Director  
Soil and Water Conservation Program

Approved by:



Gary Vandiver, Chairman  
Missouri Soil and Water Districts Commission

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