EXXON VALDEZ OIL SPILL RESTORATION AND DAMAGE ASSESSMENT TRUSTEE COUNCIL MEETING FAIRVIEW RECREATION CENTER DECEMBER 5, 1991 5:00 P.M.

Attendees:

Name

Affiliation

Dan Hamson Andy Gunther Terri Bristow Barbara Iseah Rebecca Williams Paul Gertler Carol Gorbics David Janka Linda Bonewell George Ripley Susan Bishop Carrie Holba Susan MacMullin Byron Morris Mary McGee Margaret Salmon Chris Nerson Don Setters Jayne Sontag Nancy Naslund Darrell Totemoff Phillip Totemoff Tom Van Brocklin Rep. Gene Kubina Bill Walker Shep Dale Art Weiner Carol Fries Doug Miller Pam Miller Harold Heinze Jerry Rusher T.A. Starr Maria Lisowski Sandy Rabinowitch Stan Senner

U.S. National Park Service Applied Marine Sciences CACI CACI CACI U.S. Fish and Wildlife Service U.S. Fish and Wildlife Service PWS Conservation Alliance Kenai, AK Kachemak Citizens Coalition Anchorage, AK OSPIC EPA/RPWG Auke Bay, AK OSPIC PWS Seiners Association Cordova District Fishermen United Eagle River, AK PWS Economic Development Council Anchorage, AK Chenega Bay IRA Council Chenega Bay IRA Council Rep. Kubina staff Alaska Representative Anchorage, AK DEC ADNR NOAA NWR The Wilderness Society ADNR Rusher's Services Meadowlands Community Council DOA/OGC Dept. of Interior RPWG/AK Fish and Game

Trustee Council

Charles Cole

AK Attorney General

John Sandor Steven Pennoyer Carl Rosier Curtis McVee Dave Gibbons

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Commissioner DEC Reg. Director, NOAA Commissioner, AK Fish and Game Special Assistant, Dept. of Interior USDA Forest Service substitute for Michael Barton

The following items were distributed:

Agenda EVOS Functional Flow Chart

Charles Cole, State Trustee Chairman, introduced state and federal trustees and asked for preliminary statements; he assured everyone in the state that we can alleviate concerns that there have been mysterious secret meetings and concerns that decisions have been reached by this group; the trustees are firmly committed to open meetings as a matter of good solid government; the meeting notice may not have been as timely as they would have liked, but in the future notice will be more timely

Why are we here--pursuant to the terms of the MOA and Consent Decree of August 27, 1991; the agreement was prior to settlement with Exxon; therefore, some provisions of the agreement address prospective litigation; agreement provides for a joint trustee body; decisions on the part of the trustees are required to be unanimous which generated debate; it came down to a recognition by state representatives that the state would have a firm hand; the Governor's principle views were that he did not want to see the money controlled by Washington,DC; there are three vetoes which will provide a good system of balance; the MOA provides that within 90 days meaningful public participation shall be provided for in the injury assessment and restoration (page 11); the whole purpose and scope is to restore the PWS

McVee - the Interior Secretary is intent on this process working

Sandor - he wants to make a point that there was excellent cooperation between the state and federal governments; it is tremendous that we are at this stage in the process, and we are fortunate to have the litigation behind us; he sees a very positive working relationship in the next important work

Rosier - he looks forward to working with federal counterparts and looks forward to getting settlement arrangements off and running

Gibbons - he talked with Mike Barton and would like to pass along his sincere regrets that he could not make it here due to weather conditions

Cole - it is appropriate to talk about how the Trustee Council

will be organized; it is not a decision made in smoke-filled rooms; he recognizes that it won't be possible to have meaningful decisions made by the statutory state and federal trustees (6 under CERCLA); the state trustees feel strongly on the issue of how the monies will be spent being headquartered and centered in Alaska

McVee - the Department of Interior has substantial staff for implementation responsibilities who also have planning, contracting and scientific capabilities

Cole - would state organizations be put on a parity with federal organizations?

McVee - his agency has been working closely with the state organizations, and this would be a continuation

Goals for Post-settlement Organization

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-creating efficiency and eliminating excess cost
-provide fiscal accounting
-organize within existing structure where feasible
-minimize use of settlement funds
-improvement of Alaska/Washington interface
-provide optimum scientific review

-decisions need sound scientific base
-define a good decision-making process
-process that is defensible to the public

McVee discussed the EVOS Functional Flow Chart

-attempt to make advisory groups as effective as possible

Cole - he only saw the flowchart for the first time this afternoon; Are Pennoyer, Barton and McVee the members of the Trustee Council appointed by the federal statutes? he had a question regarding EPA; the MOA says the decisions of the federal trustees shall be made in conjunction with EPA

McVee - there was a commitment made by the President that EPA would be involved in the restoration in providing advice to the federal trustees as co-chairman of planning activities on the federal side

Cole - is the public advisory group meant to be definitive?

McVee - we had to start somewhere and thought a public group might put together a plan for a first cut on making decisions on specific studies

Sandor - regarding the EPA coordination role, the definition of

coordination needs to be examined; EPA advice and direction should be Alaska-based; he is concerned if advice came from Washington or even Seattle; there should be established a region 11 in Alaska

Cole - is there any objection to adoption conceptually of flowchart? it was decided unanimously that the trustee council is hereby established

Pennoyer discussed the makeup of the Resource Restoration Coordination Group (RRCG) with six members proposed

Cole - it was unanimously decided to form the restoration coordination group

McVee - he visualized that each representative will identify one of their key staff members

Cole - should six members be appointed--one by each trustee council member?

McVee - this gives a cross-section of the council

Cole - it was agreed that each trustee council member gets to select one person for the RRCG

McVee - it is important to settle on the director in executive session

Cole - it should be decided if this is a full-time executive director position

Pennoyer - given the Trustee Council members' schedules, there is no time for council members to fulfill this job

Cole - we should address if RRCG members should be full-time devotees

McVee - Interior is committed to that

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Cole - will these six people serve other governmental duties?

Sandor - he has no problem with committing someone full-time and sees some different skills and participants brought to bear; one person and an alternate would be the lead from each agency; we will need flexibility in the operation of the group

Cole - his nominee cannot spend full-time on this group

McVee - we all face different situations organizationally; there is expected to be considerable travel to Juneau

Cole - is there the power of substitution?

Sandor - it is imperative to have this power and also flexibility

Gibbons - he has looked at the work load which has gone up and thinks this would be full-time and at one location

Cole - where will this group be headquartered?

Pennoyer - he has found that you need a lead and someone to assist but some consistency is needed

McVee - the responsibility of the Interior nominee will be twofold; he will spend considerable time with the agency in regional offices; the process has to develop from the ground up; he is proposing to have their person headquartered here

Sandor - why does location have to be decided tonight? should be fairly close to the areas impacted; the location should be field-related and could best be done out of Anchorage

Pennoyer - he feels Juneau should be picked as a starting point

Audience - is there something that keeps a group from voting by teleconference?

Cole - teleconference can be used; regarding location, he never has been convinced that it should be Juneau

Pennoyer - the location base doesn't mean they always have to meet there

Cole - when will members of RRCG be established?

McVee - the sooner, the better; Interior could name someone by tomorrow

Sandor - he could identify someone in four or five days

Rosier - he could name someone by Monday

Pennoyer - someone could be named within the next four or five days

Cole - we will name the RRCG members a week from tomorrow, the 13th of December

PUBLIC PARTICIPATION

McVee - we should use some agency experts to come up with a plan for scoping meetings versus hearings within various communities, particularly around the oil spill area; public comment should be recorded which will identify who the interested parties are

Cole - should there be any deadlines by which the development of a public participation plan be completed?

Pennoyer - the RRCG should be instructed to present a better thought out way to deal with public participation to be made available to the council at a meeting later in December

McVee - someone that has public participation experience from the state and federal side and knows the issues should be volunteered

Cole - Sandor and McVee should get together and outline this

Pennoyer - a course of action should be selected and started as soon as possible

RESTORATION PLAN

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Audience question from Pam Miller of the Wilderness Society - she doesn't feel the public needs experts to show the public how to give meaningful public participation

McVee - when there is something for the public to review, the scoping meeting can serve as a base for this discussion

Cole - the process is exactly what Ms. Miller suggested; it just won't be done tonight

Audience - Anchorage is more accessible to the areas affected; could the crowd be screened for their views on the location for the RRCG?

Cole - the council is trying to get some framework set out to get on with the huge job ahead of us and decided to get organization underway; the public advisory group might provide meaningful participation in the future on the location; the decisions are not locked in stone

Audience - the public would like to participate in preliminary organization

Audience - the trustees should work out the structure and subcommittees

Cole - we have to get this underway but you can't please everyone; if we don't, we will lose control to Washington, DC

Audience - he would like to hear the consensus of the crowd regarding Anchorage as the location

Cole - this is a temporary decision to get things established

Audience - information from this meeting was pulled together on short notice; what is the method for disseminating information such as a sign up sheet for mailouts

Cole - this is a good point

Sandor - the question of Anchorage versus Juneau needs serious consideration

Cole - we will have to see where the economics fit best as far as travel costs

RESTORATION PLANNING

McVee - the initial effort is so critical; there are some basic requirements such as budget and financial management that have to be addressed; if we want to have activities by summer of 1992, we need to get this done; it is necessary to have the framework plan before the release of funds; the restoration planning committee should be activated as soon as possible; we can do this in 60 days

Sandor - this is where the meaningful public participation is critical; framework will drive activities

Cole - what about the existing groups such as Management Council that are out there? he is concerned that the council is not subject to any oversight control

Rosier - we will have to draw from work going on in those groups

Sandor - we want to make certain that activities that are going on are concluded in a scientific way and can turn into a basis for information

Pennoyer - he doesn't think the team has been without direction except for the last couple of months on how to proceed; RRCG will need to inventory what is going on so that nothing is lost that should be kept

Rosier - a lot of good work has been done and should be brought to a logical conclusion

Cole - he doesn't know how much money has been spent and where it is coming from, but steps should be taken to find this out

McVee - it is necessary for the Trustee Council to meet fairly often to provide direction to RRCG on policy guidance; we have to take responsibility for the drifting of the last few months

Cole - the council should meet soon

Pennoyer - December 19th was discussed as a possible date which is about a week after the RRCG has been appointed Cole - it was decided to meet on December 19th; what time is most convenient for meaningful public participation? Audience - it is felt that the evening meetings are most appropriate Cole - the meeting will be held in Anchorage at 6:30; 15 minutes were set aside for comments about the future Audience - is it possible that meetings could be teleconferenced? Cole - yes Audience - is there discussion to leave 1 million in restoration? Cole - this is out of his control; he will have to give this some thought; it is possible to approach the representatives regarding this Audience - it might help for each member to have a microphone at the next meeting Audience - what is the definition for the 90-day period? Cole - MOA states ... shall agree to an organizational structure for decision-making and meaningful public participation in 90 days Audience - could a sign in sheet be provided? Cole - there is one going around and you can also sign in at the door Audience - what about acquisition of timber rights - that doesn't have to wait for the summer months Cole - that is a thought Audience - a suggestion for public involvement is having three public members on RRCG who would be non-voting members Cole - this has not been considered; the meeting was adjourned at 6:47 p.m.; the next meeting will be December 19, at a facility with teleconference capabilities

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ANCHORAGE DAILY NEWS December 5, 1991 F4

> EXXON VALDEZ OIL SPILL RESTORATION AND DAMAGE ASSESSMENT TRUSTEE COUNCIL MEETING

5:00 pm December 5, 1991 Multi-Purpose Room Fairview Rec Center 1121 East 10th Anchorage, AK

The Trustee Council will discuss:

- 1) Post-settlement organization
- 2) Development of a public participation process; and
- 3) Development of a restoration plan.

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AGENDA EXXON VALDEZ OIL SPILL SETTLEMENT TRUSTEE COUNCIL

> Fairview Recreation Center 1121 East 10th Avenue Anchorage, Alaska December 5, 1991 5:00 p.m.

TRUSTEE COUNCIL MEMBERS

Charles Cole, Attorney General State of Alaska Michael Barton, Regional Forester USDA Forest Service

John Sandor, Commissioner Department of Environmental Conservation, State of Alaska Steven Pennoyer, Regional Director National Oceanic & Atmospheric Administration

Carl Rosier, Commissioner Department of Fish and Game State of Alaska Curtis McVee, Special Assistant to the Secretary for Alaska Department of the Interior

OPENING STATEMENTS

ORGANIZATION

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- Council Staff Organization (Resource Restoration Coordination Group)
 - Operating Guidelines
 - Subcommittees
 - o Restoration Framework Plan
 - o Public Participation

PUBLIC PARTICIPATION

- * Initial Scoping Meetings
- Public Participation Plan
- * Advisory Board
 - Selection Process
 - Appointment Process
 - Charter

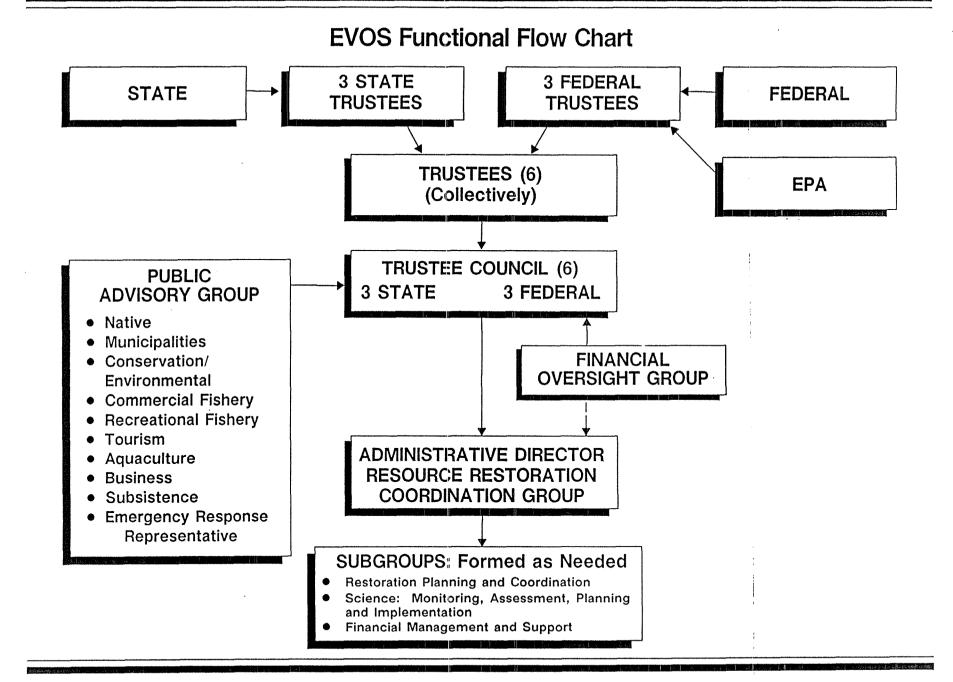
RESTORATION PLANNING

- * Components
 - Budget
 - Financial Management
 - Restoration Criteria
 - Monitoring/Natural Recovery
 - Time Frames

EVOS SETTLEMENT FUNDS

- Federal Process
- * State Process

EXECUTIVE SESSION - PERSONNEL AND LITIGATION SENSITIVE MATTERS



PROPOSAL

Trustees

- Provide overall approval for restoration program through approval of annual budgets.
- 2. Appoint members of the Trustee Council
- 3. Appoint chair and members of the Public Advisory Group
- 4. Provide policy guidance and dispute resolution

Trustee Council

- Review Resource Restoration Coordination Group (RRCG) recommendations and public testimony on issues and ultimately make program budget, project, and policy decisions. Federal Council members receive policy input from their Washington offices.
- 2. Council directs RRCG to implement decisions.
- Individual Council members supervise or provide oversight for their respective agency representatives on the RRCG.
- 4. "Assure fiscal accountability.
- 5. Public Advisory Committee reports to Council and coordinates with RRCG.

Resource Restoration Coordination Group (RRCG)

- 1. Restoration planning: plan development and evaluation.
- 2. Public involvement: planning and implementation involvement.
- 3. Science: needs, content, and peer review as needed.
- Through agency counsel, identification of legal requirements for project completion.
- Restoration: implementation, oversight, evaluation, and monitoring.
- OSPIC collection to be transferred to appropriate facility [deadline for this should be agreed; i.e. 3/30/92 or something close to that date.
- 7. RRCG maintains administrative record.
- Budget involvement: internal and project costs and expenditures.
- 9. Interact and coordinate with Washington and Alaska financial teams while at the same time consulting with OMB, U.S. Treasury, and State agencies on fiscal matters. Financial matters reviewed by Alaska and Washington financial teams prior to recommendations to Trustee Council.

Administrative Director of RRCG

- 1. Budgetary and contract coordination with financial teams.
- 2. Liaison with Trustee Council and Public Advisory Committee.
- 3. Supervise small administrative staff.
- 4. Non-voting Chair of RRCT.
- 5. Interacts with the public and public officials.

Financial Management Support Group (FMSG)

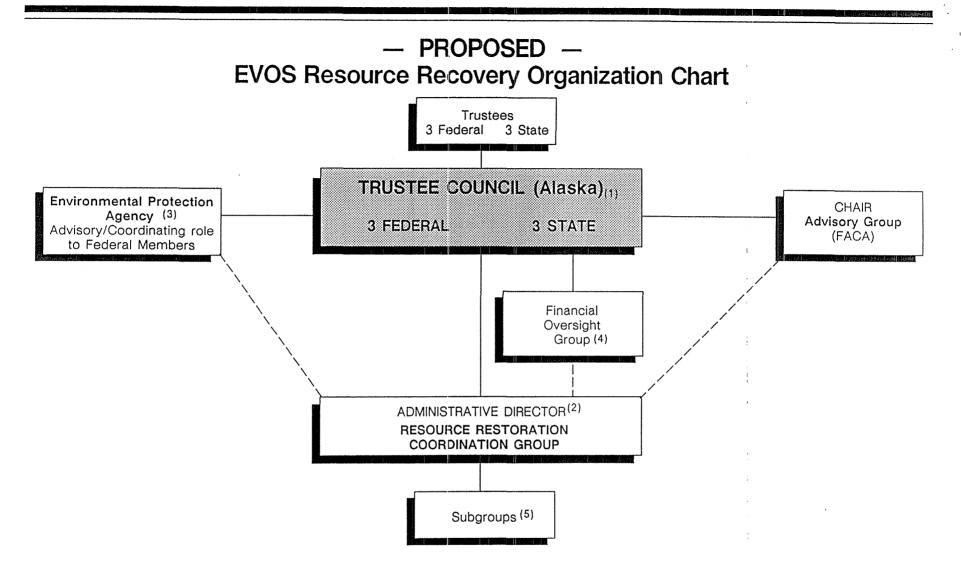
- 1. Budget oversight: internal costs and Trust Fund expenditures, in coordination with FMG
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- 3. Insure proper audit coordination.
- Facilitate OMB approval of annual restoration budgets and amendments.
- Serve as a focal point for Washington level budget inquiries (i.e., Congress, OMB, etc.)

Financial Management Group (FMG)

- Assemble budget for restoration activities and outyear requirements for submission to RRCG.
- 2. Coordinate during budget preparation with FMSG.
- 3. Cooperate with auditing requirements and procedures.
- 4. Monitor project performance as costs are being incurred.
- Develop internal control procedures to ensure fiscal accountability and financial oversight.

FINANCIAL OVERSIGHT GROUP

- Appointed by the Trustee Council (for the Federal members, with the concurrence of the Trustee Department's chief financial officer), and reporting directly to the Trustee Council.
- To review operations of the Trustee Council, the RRCG and the Joint Trust Fund for financial matters, including audits, cost control criteria, reporting on fiscal management improvements and safeguards.



- (1) Policy direction, legal counsel and budget oversight from Trustees in Washington and Juneau through normal agency channels.
- (2) Non-voting presiding officer of RRCG, (full time; responsible to Trustee Council) supported by a small administrative staff.
- (3) EPA & appropriate state agency co-chair a restoration planning subgroup of the RRCG.
- (4) To perform audit functions and oversight.
- (5) Formed as needed from Trustee Agencies FS, BIA, FWS, NPS, NMFS, ADNR, ADF&G, ADEC and others as appropriate.

Name Affiliation Mailing Address (if any)
avgaret PWS Box 1534 Cordona, AK 98574 Salmon Seiners Assoc.
Thuis Nevison Cordova District fishpring Vinited Box 340 Cordova AK
1000 SETTERS P.O. BOX 771248 EAGLE RIVER AK 99577
Ayne Sontag PRIMAR William Sound Economic Develop. Council (AROGE) P.O. BOX 2353 HAYNE Sontag
Nancy Naslund MBM, 1011 E. Tudor Rd., Anchorage 14k 29503
Darrell Ji Totenoff, Chenega Bay IRA Council POBX 8079 573-5132 Administration Chenega Bay, AK 29574
Philip Totemoff, in in 11 11 573-5132 President
Tom Von Brockh - staft, Rep. Kubing Dox 1969 Voldez, DK. 99686
REP. Gene Kubina - Box 2463 Valduz, PK 99686
Bill Walker CetydValler 509 W. 3 nd Anch., He ESSOI SHEP DALE AHCHONTO 326 E 2nd CT ANCH, All 99001
ART WEINER ADNE 3601 C St ANCHORRE, 99510 2AROL FRIES NOAA 601 W 54 Ave Ste 420 Anchorage 99501
) oug Miller NWF 750 west second Ave Suite 250 Andrago 97501
am Miller The Wilderness Soc, 430 W. 7th Ave Suite 210 Anchorage 99501
tarold Heinge ADNR 400 WILLOUGHBY, Juneau, Att 99801
Jeury Rusher Rusher's Services HC 33 Boy 2866 Would AK 99687 T.A. STARE MEADOWLAKES COMMUNITY Cred Po Box 53 WASSILA ALASKA 99687
Maria Lisowski DOALOGC POBOX22702 Juneau, All 99687
andy Rabinowitch Depti of Interior 2595 Gamberl Anchorese AK 29503

NAME AFFILIATION MAILING ADDRESS

Dan Hamson U.S. National Park Service, 2525 Gambel S. ANC. AK 99503 Andy Gutther Applied Marine Sciences 2155 Las Positos Cart, Ste V, Livermore, CA-94550 645 G Street Anch. 99501 Terri Bristow CACI Barbara Isean CACI 645 G STREET ANCH 9950/ REBECCA WILLIAMS CACE laul & Gertler US F. Sheld, AlifeService 1011 & Tudor Rd 99503 1011 & Tudor Rd 99503 Church Gorbics USFWS R. W.M. SOOND COUSTRATION POBIOZZ VALDEZ 99686 Allibrice AVID JANKA Linda Bonewell 11355 Frontage Road, #228 Kenai, AK 99611 Jeorge Ripley PO Box 2014 Homes AK 99603 Kachemak Citizens Coalition Anchorege AK 99523 Sisan argill Bishop P.O. Box 230951 Ancharege, AK. Oil Spill Public Information Center (OSPIC) 645 G Street Ancharage, AK 99501 Zarrie Holba EPA-RPWG/MT Representative 645 G Struct Anchorage, AK 99501 210029 POB 240278 Auke Bay, AK 99521 Oil Spiel Kublic anchorage, ab 99501 Informan wan Mac Mullyr Byron Morris Mary Mitce

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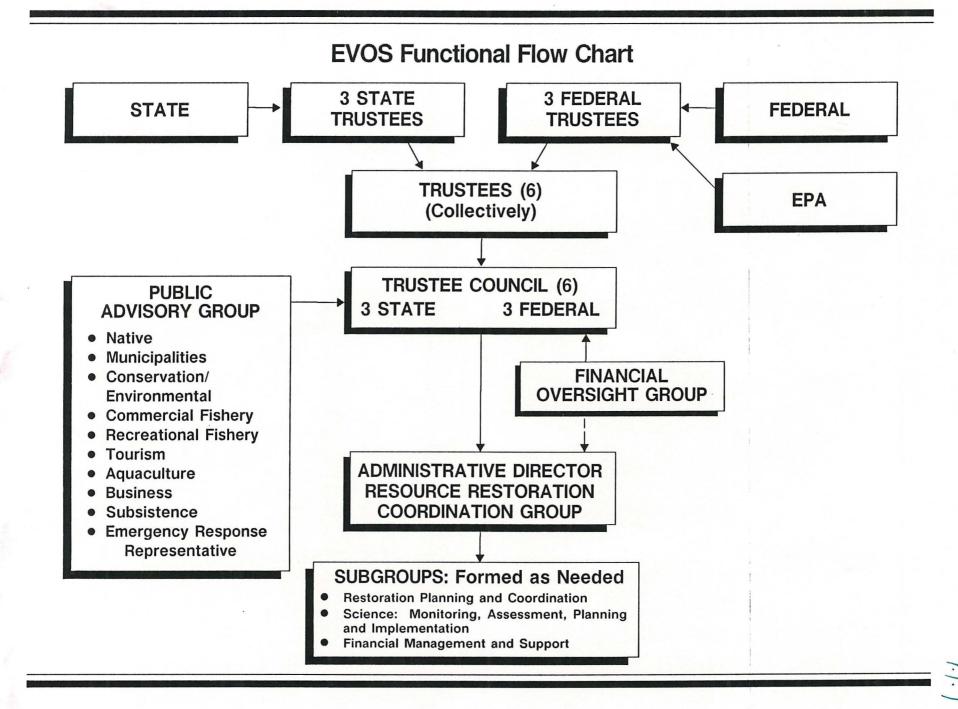
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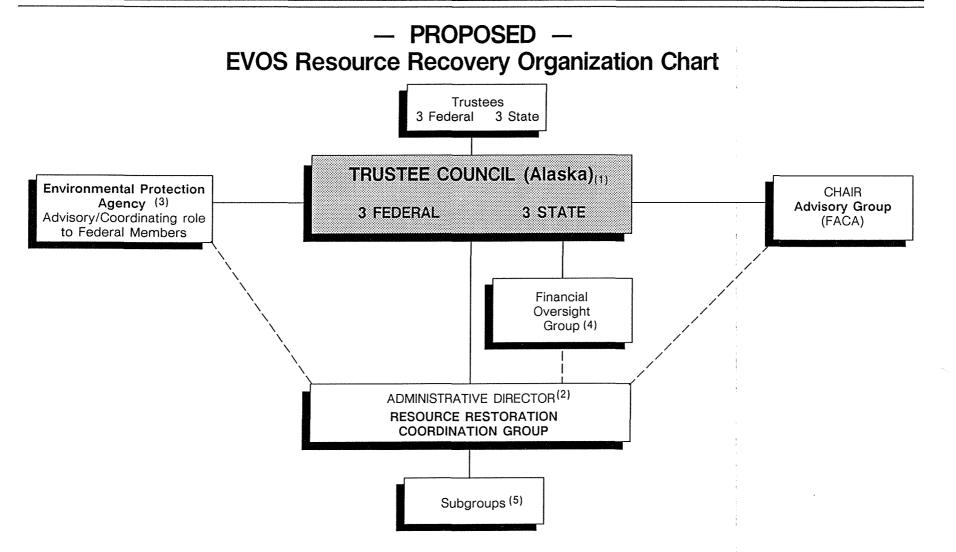
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Rent 9.1.1 Mailing Address Name Affiliation (if any) Box 1534 Cordona, AK 98574 Margaret Salmon PWS Seiners Assoc. Chuis Nerison Condova District Fishenon Vin. tel Box 340 Cordova AK DON SETTERS P.O. BOX 771248 EAGLE RIVER AK 99577 JAYNE Sontag PRINCE William Sound Economic Develop. Councel (AROOR) P.O. BOX 2353 Nancy Naslund MBM, 1011 E. Tudor Rd., Anchorage 14k 29503 Darrell J. Torenoff, Chenega Boy IRA Council Administration POB+ 8079 573-5132 Chenesa Bay, AK 29574 Philip Toremotif, " " " 573-5132 Tom Von Brochth - staft, Rep. Kubina Dox 1969 Voldez, DK. 99686 REP. Gene Kubina - Box 2463 Volduz, DK 99686 509 W. 3 d Anch. H. 28001 326 E 22 CT ANCH, All 99001 Bill Walker Englander SHEI DALE ARCHORAGO ART WEINER ADNE 3601 C St Anchornes, 99510 CAROL FRIES NOAA 601 W 5th Ave Ste 420 Anchorage 99501 Doug Miller NWR 750 west-second Ave Suite 250 Andrago 97501 Pam Miller The Wilderness Soc. 430 W. 7 The Ave Suite 210 Anchorage 99501 Harold Heinge ADNR 400 WILLOUGHBY, Juneau, AK 99801 Jeury Rushes Rusher's Services HC 33 Boy 2866 Would HK 99687 A. STARE MEADOWLAKES COMMUNITY CIEL PO BOX 53 WASSILA ALASKA 99687 Maria Lisowski DOALOGC POBOX22702 Juneau, All 99802 Dept, of Interior Sandy Kabino witch 2595 Gamberl Anchorege AK 99503

MAILING ADDRESS AFFILIATION

Dan Hamson U.S. National Park Service, 2525 Gambel St. ANC, AK 99503 Andy Guither Applied Marine Sciences 2155 Las Pasitas Court, Stev, Livermore, CA 94550 Terri Bristow CACI 645 G Street Anch. 99501 Barbara Isean CACI """" REBECCA WILLIAMS CACE 645 G STREET ANOH 9950/ laul & Gertler US F. St. & W. Alife Service 1011 & Tudor Rd 99503 Cluck Gorbics USFWS 1011 & Tudor Rd 99503

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FR. WM. SOUD COUSERANTION POBIOZZ VALDEZ 99686 Alline DHUD JANKA

Linda Bonewell 11355 Frontage Road, #228 Kenai, AK 9964 George Ripley PO Box 2014 Homes AK 99603 Kachemak Citizens Coalition

Susan angil Bishop

Carrie Holba

NAME

P.O. Box 230951 Anchorage AK Anchorage, AK. Oil Spill Public Information Center (OSPIC) 645 G Street Anchage, AK 99501

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Susan Mac Mullin

Byron Mario

EPA-RPWG/MT Representative 645 G Street Anchorage, AK 99501 210029 POB 240298 Auke Bay, AK 99521 Mary Mittee Oil spill aublic anchorage, ab 99501

Attached is an addition to the attendees list for the 12/5/91 Trustee Council Meeting.

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12-5-91 TRUSTEES MEETING NAME ORGANDIZATION ADDRESS Greenpeace P.O. Box 104432 Anchorge 93510 Dosting Frin Smith SENATOR PRIMER'S OFFICE ROD MOURANT 601 D. 5-3 #550 (9950) Watere Susan Iluda 3601 C St. 724 Anch 29503 DCED, And 19654 90 Sen. Cirto Menard 165 E. Parks Hury Wasilla, Ah Dan Golden Johanna Munson mary arthus w/ Sen. Stugulewski, 3111 C St., Ste 550, Anch 9952 POBOX 111726 ANCHAK 99511 KEN SPEARIN 1029 W. 3rd #600 ANCH, 99508 CITY OF CORDOV SCOTT STERLING I.M.S. Univi Alaska, Fairbanks, Alk 99775-1080 Ray Highsmith

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