

Commissioners
Michael Sutton, President
Monterey
Richard Rogers, Vice President
Santa Barbara
Jim Kellogg, Member
Discovery Bay
Jack Baylis, Member
Los Angeles
Vacant, Member

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Sonke Mastrup, Executive Director
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Fish and Game Commission



Staff Summary, Meeting of February 6, 2013

Following is a summary of the subject meeting. The official record of the meeting provided by the Department of General Services can be found on DVDs located in the Commission Office.

Pursuant to the call of the President, the Commission met at the Resources Building, First Floor Auditorium, 1416 Ninth Street, Sacramento, California on February 6, 2013. The meeting was called to order at 8:40 a.m. by President Kellogg.

FISH AND GAME COMMISSION

Jim Kellogg	President	Present
Michael Sutton	Vice President	Present
Richard Rogers	Member	Present
Jack Baylis	Member	Absent
Vacant	Member	

Persons present:

COMMISSION STAFF

Sonke Mastrup	Executive Director
Adrianna Shea	Deputy Executive Director
Craig Shuman	Marine Advisor
Mary Brittain	Administrative Assistant
Anita Biedermann	Analyst
Sherrie Fonbuena	Analyst

OFFICE OF THE ATTORNEY GENERAL

Richard Thalhammer	Deputy Attorney General
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DEPARTMENT OF FISH AND WILDLIFE

Chuck Bonham	Director
Dan Yparraguirre	Deputy Director, Wildlife and Fisheries Division

Mike Carion	Deputy Director, Law Enforcement Division
Thomas Gibson	Office of the General Counsel
Stafford Lehr	Chief, Fisheries Branch
Eric Loft	Chief, Wildlife Branch
Paul Hamdorf	Acting, Regional Manager, Marine Region
Marci Yaremko	Marine Region
Mandy Lewis	Marine Region
Craig Martz	Regulations Unit Coordinator
Brian Naslund	Law Enforcement Division
Bob Farrell	Law Enforcement Division
David Bess	Law Enforcement Division
Laurie Knowles	Law Enforcement Division
John Winnings	Law Enforcement Division
Mike Milotz	Law Enforcement Division
Mark Michilizzi	Law Enforcement Division

The following persons were present and heard:

<u>Name</u>	<u>Organization</u>	<u>Agenda Item(s)</u>
Jim Waters	Ca. Outdoor Heritage Alliance	1B
John Carlson	California Waterfowl Association	1B, 2
Paul Weakland	Commercial Fisherman	1B, 2, 3, 6
Allan Stellar	Concerned Citizen	2
Ryan Waterman	Drakes Bay Oyster Company	2
Winston Thomas	Concerned Citizen	2
Maggie Rufo	Concerned Citizen	2
Camilla Fox	Project Coyote	2, 12
Keli Hendrichs	Concerned Citizen	2
Caroline Kraus	Concerned Citizen	2
Kim Flaherty	Project Coyote	2
Steve Talmadge	Flash Sport Fishing	2
Bill Yeates	Concerned Citizen	2
Carol Yeates	Concerned Citizen	2
April Wakeman	The Sportfishing Conservancy	2
Kerry Griffith	Concerned Citizen/Guide License Permittee	2
Elinor Actipis	Concerned Citizen	2
Karl Kerster	Kerster's Falconry	2
Steve Mathieu	A General Public	2
Chris Voss	California Abalone Association	2, 6
Amaroq Weiss	Center for Biological Diversity	2
Pamela Flick	Defenders of Wildlife	2
Eric Mills	Action for Animals	2
Jennifer Fearing	The Humane Society of US	2, 12, 14D
Monica Engebretson	Born Free USA	2, 4
Marilyn Jasper	Public Interest Coalition	2
Margo Parks	California Cattlemen's Association	2

Bill Gaines	California Outdoor Heritage Alliance	2, 4
Robert Moore	California Bowmen Hunters State Archery Association	2
JoEllen Arnold	Concerned Citizen	2
Dr. Jeanine Pfeifer	Concerned Citizen	2
Ben Wolfe	Recreational Diver	3
Rick Holderman	California Hawking Club	4
Will O'Diear	California Hawking Club	4
Glenn Stewart	California Hawking Club/UC Santa Cruz	4
Marten Benatar	California Hawking Club	4
Liz Smith-Oettinger	The Center for Reconnecting with Nature	4
Bill Murphy	California Hawking Club	4
Kate Mardsen	West Coast Falconry	4
Jana Barkley	West Coast Falconry	4
Keith Richman	California Hawking Club	4
Jim deRoque	California Hawking Club	4
Richard Smiley	California Hawking Club	4
Andy McBride	Ca. Hawking Club/Foundation Birds of Prey	4
Kim Mauch	California Hawking Club	4
Walter Imfeld II	California Falconer	4
Morgan Campbell	California Hawking Club	4
Chris Cameron	Camp Ocean Pines	4
Mark Hennelly	California Waterfowl Association	4
George Bristol	Concerned Citizen	4
Paul Hutcheson	Concerned Citizen	4
Karl Kerster	Kerster's Falconry	4
Steven Wood	The Center for Reconnecting with Nature	4
Bill Bernard	California Coalition of Diving Advocates	6, 14F
Steven Rebuck	Concerned Citizen	6
Alicia Bonnette	California Abalone Association/CAMA	6
Paul Fong	Assembly Member	12
Emily Jeffers	Center for Biological Diversity	12
Geoff Shester	Oceana	12
Michael Starkey	Save the Frogs	12
Bill Adams	California Coalition of Diving Advocates	12
Karen Garrison	Natural Resources Defense Council	12
June Barnard	Concerned Citizen	12
Caitlin Ryan	Ocean Research Foundation	12
Mike McCorkle	Concerned Citizen	12
Andrew Rasmussen	Commercial Fisherman	12
Terry Wilmarth	Concerned Fisherman	12
Curtis Hiebert	Concerned Fisherman	12
Chris Harrold	Monterey Bay Aquarium	12
Roxanne Fernandez	The Ocean Research Foundation	12
Serge Dedina	Wildcoast	12
Cindy Ferguson	Concerned Citizen	12

Randall Short	Concerned Citizen	12
David McGuire	Shark Stewards	12
Natalia Bluck	Concerned Citizen	12
Melanie Buck	Concerned Citizen	12
Cheryl Tiburzi	Concerned Citizen	12
F. J. Halley	Concerned Citizen	12
Sarah Sikich	Heal the Bay	12
George Osborn	Coastside Fishing	14A
Dr. Brian Todd	UC Davis	14B

President Kellogg introduced members of the Commission, its staff, Directorate and Richard Thalhammer of the Attorney General's Office.

FIELD TRIP: The Institute for Wildlife Studies shooting demonstration comparing lead and non-lead rifle ammunition for the Lead Committee of the California Fish and Game Commission and the general public scheduled for February 5, 2013, was cancelled.

1. (A) ELECTION OF PRESIDENT AND VICE PRESIDENT

MOVED BY J. KELLOGG, SECONDED BY R. ROGERS, THAT THE FISH AND GAME COMMISSION HEREBY ELECTS M. SUTTON AS PRESIDENT.

AYES: J. KELLOGG, R. ROGERS, M. SUTTON.

ABSENT: J. BAYLIS.

MOTION PASSED.

MOVED BY M. SUTTON, SECONDED BY J. KELLOGG, THAT THE FISH AND GAME COMMISSION HEREBY ELECTS R. ROGERS AS VICE PRESIDENT.

AYES: J. KELLOGG, R. ROGERS, M. SUTTON.

ABSENT: J. BAYLIS.

MOTION PASSED.

(B) COMMITTEE ASSIGNMENTS

I. MARINE RESOURCES COMMITTEE

II. LEAD COMMITTEE

III. WILDLIFE RESOURCES COMMITTEE

Commission deferred committee assignments to its March 2013 meeting. Received public testimony.

2. PUBLIC FORUM.

Received public testimony from the following individuals: John Carlson, Paul Weakland, Allan Stellar, Ryan Waterman, Winston Thomas, Maggie Rufo, Camilla Fox, Keli Hendrichs, Caroline Kraus, Kim Flaherty, Steve Talmadge,

Bill Yeates, Carol Yeates, April Wakeman, Kerry Griffith, Elinor Actipis, Karl Kerster, Steve Mathieu, Chris Voss, Amaroq Weiss, Pamela Flick, Eric Mills, Jennifer Fearing, Monica Engebretson, Marilyn Jasper, Margo Parks, Bill Gaines, Robert Moore, JoEllen Arnold, and Dr. Jeanine Pfeifer.

MOVED BY M. SUTTON, SECONDED BY R. ROGERS, THAT THE FISH AND GAME COMMISSION HEREBY RECOGNIZES THE PUBLIC COMMENTS AND RECOMMENDATIONS AND DIRECTS STAFF TO DRAFT AND SEND A LETTER TO THE CALIFORNIA COASTAL COMMISSION REGARDING JURISDICTION ISSUES OVER THE DRAKES BAY OYSTER COMPANY'S ORDER AND TO REPORT BACK ON THE COMMISSION'S AUTHORITY REGARDING COYOTE CONTESTS AND HUNTING REGULATIONS. AYES: J. KELLOGG, R. ROGERS, M. SUTTON. ABSENT: J. BAYLIS. MOTION PASSED.

3. DISCUSSION OF PROPOSED CHANGES TO LOBSTER REPORT CARD PERIOD AND FEES AND OTHER SPORT FISHING REPORT CARD REQUIREMENTS (SECTIONS 1.74 and 701, TITLE 14, CCR)
Note: The final decision will be considered at the March meeting
Received a presentation from Craig Shuman. Received public testimony.
4. DISCUSSION OF PROPOSED CHANGES TO FALCONRY REGULATIONS (SECTION 670, TITLE 14, CCR)
Note: The final decision will be considered at the March meeting
Received the Department's presentation from Eric Loft. Received public testimony. In response to public recommendations, Commission to renounce proposed changes.
5. (A) DISCUSSION OF PROPOSED CHANGES TO OCEAN SALMON SPORT FISHING REGULATIONS FOR APRIL, 2013 (SUBSECTION 27.80(c), TITLE 14, CCR)
Note: The final decision will be considered at the March meeting
Received the Department's overview from Marci Yaremko. No public testimony.
- (B) DISCUSSION OF PROPOSED CHANGES TO OCEAN SALMON SPORT FISHING REGULATIONS FOR MAY TO NOVEMBER, 2013 (SUBSECTION 27.80(d), TITLE 14, CCR)
Note: Another discussion will happen at the March meeting and the final decision will be considered at the April meeting
Received the Department's overview from Marci Yaremko. No public testimony.

6. MARINE RESOURCES COMMITTEE – RECEIPT OF RECOMMENDATION ON PROPOSED LIMITED FISHERY FOR RED ABALONE AT SAN MIGUEL ISLAND
Received a PowerPoint presentation and the Marine Resources Committee’s recommendation from Craig Shuman. Received public testimony.

**MOVED BY R. ROGERS, SECONDED BY J. KELLOGG, THAT
THE FISH AND GAME COMMISSION HEREBY DETERMINES THAT THE
POPULATION OF RED ABALONE AT SAN MIGUEL ISLAND DOES NOT MEET
THE REQUIREMENTS OF ALTERNATIVE 8 OF THE ABALONE RECOVERY
AND MANAGEMENT PLAN.**

AYES: J. KELLOGG, R. ROGERS, M. SUTTON.

ABSENT: J. BAYLIS.

MOTION PASSED.

**MOVED BY R. ROGERS, SECONDED BY M. SUTTON, THAT
THE FISH AND GAME COMMISSION HEREBY DIRECTS STAFF TO WORK
WITH THE DEPARTMENT AND STAKEHOLDERS TO DEVELOP A ROBUST
PEER REVIEW PROCESS TO ADDRESS QUESTIONS RELATED TO DENSITY
CALCULATIONS AND SURVEY METHODOLOGY AND DEVELOP AN
APPROACH TO REVIEW AND UPDATE THE ABALONE RECOVERY AND
MANAGEMENT PLAN.**

AYES: J. KELLOGG, R. ROGERS, M. SUTTON.

ABSENT: J. BAYLIS.

MOTION PASSED.

CONSENT ITEMS

7. REQUEST FOR AUTHORIZATION TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND KLAMATH-TRINITY SPORT FISHING REGULATIONS (SECTION 7.50, TITLE 14, CCR)
8. ANNUAL HUNTING REQUESTS BY CAMP ROBERTS, CAMP PENDLETON, AND FORT HUNTER LIGGETT FOR MANAGEMENT OF FISH AND WILDLIFE ON MILITARY LANDS
9. APPROVAL OF REQUEST BY MR. SAMUEL GITCHEL TO REINSTATE THE SALMON VESSEL PERMIT FOR F/V *SLOW MOTION*
10. APPROVAL OF REQUEST BY MR. BRADFORD C. FLOYD TO REINSTATE THE TRANSFERABLE DUNGENESS CRAB VESSEL PERMIT FOR F/V *RONNIE B*
11. APPROVAL OF REQUEST BY MR. LARRY R. BALLEW TO REINSTATE THE TRANSFERABLE DUNGENESS CRAB VESSEL PERMIT FOR F/V *SILVER BULLET*

MOVED BY J. KELLOGG, SECONDED BY R. ROGERS, THAT THE FISH AND GAME COMMISSION HEREBY ADOPTS THE CONSENT CALENDAR, ITEMS 7-11.

AYES: J. KELLOGG, R. ROGERS, M. SUTTON.

ABSENT: J. BAYLIS.

MOTION PASSED.

12. CONSIDERATION OF PETITION, DEPARTMENT'S REPORT, AND COMMENTS RECEIVED ON WHETHER LISTING THE WHITE SHARK AS A THREATENED OR ENDANGERED SPECIES MAY BE WARRANTED. (FISH AND GAME CODE SECTION 2074.2).

Note: If the Commission determines listing may be warranted, a one-year status review will commence before the final decision on listing is made.

Received the Department's PowerPoint presentation from Mandy Lewis.

Received public testimony.

MOVED BY J. KELLOGG, SECONDED BY R. ROGERS, THAT THE FISH AND GAME COMMISSION, PURSUANT TO SECTION 2074.2 OF THE FISH AND GAME CODE, HEREBY FINDS THAT THE PETITIONED ACTION TO LIST THE WHITE SHARK (*Carcharodon carcharias*) AS AN ENDANGERED OR THREATENED SPECIES MAY BE WARRANTED; AND THEREFORE, DESIGNATES THE WHITE SHARK AS A CANDIDATE FOR ENDANGERED OR THREATENED SPECIES STATUS. FURTHERMORE, PURSUANT TO SECTION 2074.6 OF THE FISH AND GAME CODE, THE DEPARTMENT IS TO PROMPTLY COMMENCE A STATUS REVIEW OF THE SPECIES AND REPORT BACK TO THE COMMISSION WITHIN ONE YEAR FROM THE DATE OF THE COMMISSION'S PUBLISHED FINDINGS WITH A RECOMMENDATION AS TO WHETHER THE SPECIES SHOULD OR SHOULD NOT BE LISTED AS ENDANGERED OR THREATENED.

AYES: J. KELLOGG, R. ROGERS, M. SUTTON.

ABSENT: J. BAYLIS.

MOTION PASSED.

13. COMMISSION STAFF REPORT FOR CONSIDERATION AND POSSIBLE ACTION

- (A) RECOMMENDATIONS ON ITEMS OF INTEREST FROM PRIOR MEETINGS

Executive Director Mastrup indicated that the issue of coyotes in Huntington Beach would be reported on during a later agenda item. No public testimony.

- (B) PREVIEW OF FUTURE AGENDA ITEMS

Executive Director Mastrup highlighted the list of items for future meetings as follows:

Potential March Agenda Items:

- a. Adoption of April ocean salmon and lobster report card regulation changes
- b. Discussion of mammal, Klamath River salmon and May to Nov. ocean salmon regulation changes
- c. Notice of depredation permit application and form, state lands, abalone catch reduction, and FGC code of conduct/meeting rules regulation changes
- d. Receipt of 90 day evaluation reports for northern spotted owl, and Clear Lake hitch
- e. Receipt of one year status reports on American Pika and black-backed wood pecker petitions

Potential April Agenda Items:

- a. Adoption of falconry, May to Nov. ocean salmon, Klamath River salmon and mammal regulation changes
- b. Notice of state lands, abalone catch reduction, and FGC code of conduct/meeting rules regulation changes
- c. Notice of fishing records and mountain lion display regulation changes
- d. Receipt of 90 day evaluation report for Townsend's big-eared bat
- e. Panel on Federal hatchery report workshop

Executive Director Mastrup reported that a Lead Workshop would be scheduled for late spring/early summer 2013 and that the March meeting would be a one day meeting at the Mt. Shasta Hatchery Museum. No public testimony.

14. DEPARTMENT OF FISH AND WILDLIFE INFORMATIONAL ITEMS

(A) DIRECTOR'S REPORT

Director Bonham reported on that the last day to introduce legislative bills is February 22; and reported on the Ballona Wetlands Ecological Reserve and the construction of an interpretative center. Received public testimony.

(B) WILDLIFE AND FISHERIES DIVISION AND ECOSYSTEM CONSERVATION DIVISION

Deputy Director Yparraguirre introduced Dr. Brian Todd, UC Davis, who provided a PowerPoint overview of a Native Amphibian and Reptile Strategic Plan. No public testimony.

(C) LAW ENFORCEMENT DIVISION

Chief Carion reported that two new Captains were recently appointed. He also highlighted on the following three cases: over limit of deer in Humboldt County; illegal trap line in the Susanville area; and the sale of sport caught Dungeness crab. No public testimony.

- (D) UPDATE ON COYOTE PROBLEM IN HUNTINGTON BEACH
Director Bonham provided a summary and update on predator management. Received public testimony.
 - (E) UPDATE ON RANCHO MIRAGE TRAIL IN MAGNESIA SPRING ECOLOGICAL RESERVE (SUBSECTION 630(b)(73), TITLE 14, CCR)
Director Bonham reported that the Department was seeking implementation of AB 880 which requires opening a portion of a recreational trail within the reserve. No public testimony.
 - (F) MARINE
Acting Regional Manager Paul Hamdorf reported the following issues: MPA Symposium scheduled for February 27- March 1, Monterey; a grant to continue the ROV surveys; Marine rulemaking priorities; and a proposed revised schedule for abalone rulemaking calendar. Received public testimony.
 - (G) OTHER
There was no report.
15. OTHER INFORMATIONAL ITEMS
- (A) LEGAL COUNSEL
There was no report.
 - (B) FEDERAL AGENCIES
Diane Windham had to leave but left booklets for the Commissioners titled, "U.S. West Coast Swordfish Workshop: Working Towards Sustainability, May 10-11, 2011". No public testimony.
16. POSSIBLE DIRECTION ON LEGISLATIVE MATTERS
President Sutton reported that Craig Shuman would be reviewing marine legislative bills and was pursuing sponsorship to develop a Wildlife Resources Committee. No public testimony.
17. COMMISSION POLICIES/REGULATIONS FOR CONSIDERATION AND POSSIBLE ACTION
- (A) POSSIBLE ADOPTION OF CODE OF CONDUCT
Commission deferred any action on the Code of Conduct Policy for a future meeting. No public testimony.
 - (B) DISCUSSION OF BUSINESS/MEETING PROCEDURES
Commission deferred any action on the business/meeting procedures and is soliciting public input. No public testimony.

18. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION
Deputy Attorney General Thalhammer reported that the Commission met in Executive Session and adopted the Administrative Law Judge’s proposed decisions for Mr. Gary Farley and Mr. Kerry Griffith, both for denial of 2012-2013 Guide Licenses. The Commission took no other action. No public testimony (Mr. Kerry Griffith spoke during public forum, item #2).
19. POSSIBLE ACTION ON NEW BUSINESS, COMMISSION FOLLOW-UP AND STAFF DIRECTION
Executive Director Mastrup reported that the Commission would be updating/developing a formal orientation package for new Commissioners. President Sutton requested that it include information on the Bagley-Keene Open Meeting Act and the Robert Rules of Order. No public testimony.
20. ANNOUNCEMENT OF FUTURE MEETINGS
Executive Director Mastrup reported that March’s meeting would be a one day on March 6th at the Mt. Shasta Hatchery Museum, Mt. Shasta.

He reported that the first day of the April meeting would be normal business and the second day would be devoted to a hatchery workshop/panel discussion.

He reported that there were no meeting facilities available in Morro Bay for the August meeting and staff was checking into meeting facility availability in San Luis Obispo.

He also reported that the September meeting be moved from Sacramento to Tule Lake/Klamath Falls/Yreka area, including a joint meeting with Oregon Fish and Wildlife and a Klamath Basin Field Trip.

Craig Shuman stated that the next Marine Resources Committee meeting dates are March 20 in Santa Barbara and June 18 in Monterey.

**2013 FISH AND GAME COMMISSION
 MEETING SCHEDULE
www.fgc.ca.gov**

March 6 (Wed.)	Mt. Shasta Hatchery Museum #3 North Old Stage Road Mount Shasta
April 17 (Wed.) April 18 (Thurs.) Hatchery Workshop	Flamingo Conference Resort & Spa 2777 Fourth Street Santa Rosa

May 22 (Wed.) May 23 (Thurs.)	Los Angeles
June 26 (Wed.) June 27 (Thurs.)	Sacramento
August 7 (Wed.) August 8 (Thurs.)	San Luis Obispo
September 4 (Wed.) September 5 (Thurs.) Jt. Meeting with Oregon Fish and Wildlife September 6 (Fri.) Field Trip	Klamath Falls/Yreka
October 2 (Wed.) October 3 (Thurs.)	Ventura
November 6 (Wed.) November 7 (Thurs.)	Santa Barbara
December 11 (Wed.) December 12 (Thurs.)	San Diego

Pacific Fishery Management Council Meeting, March 6-11, Tacoma, WA
Pacific Fishery Management Council Meeting, April 6-11, Portland, OR
Pacific Flyway Meeting, March 26, Arlington, VA
Summer WAFWA Meeting, July 19-24, Omaha, NE

There being no further business, the Fish and Game Commission meeting adjourned at 5:00 p.m.

EXECUTIVE SESSION
(NOT OPEN TO PUBLIC)

PURSUANT TO THE AUTHORITY OF GOVERNMENT CODE SECTION 11126(a)(1) AND (e)(1), AND SECTION 309 OF THE FISH AND GAME CODE, THE COMMISSION WILL MEET IN CLOSED EXECUTIVE SESSION. THE PURPOSE OF THIS EXECUTIVE SESSION IS TO CONSIDER:

- A. PENDING LITIGATION TO WHICH THE COMMISSION IS A PARTY.
- I. BIG CREEK LUMBER COMPANY AND CENTRAL COAST FOREST ASSOC. vs. CALIFORNIA FISH AND GAME COMMISSION RE: COHO LISTING, SOUTH OF SAN FRANCISCO.
 - II. JAMES BUNN AND JOHN GIBBS vs. CALIFORNIA FISH AND GAME COMMISSION RE: SQUID PERMITS.
 - III. KERN COUNTY WATER AGENCY vs. CALIFORNIA FISH AND GAME COMMISSION, DEPARTMENT OF FISH AND GAME, DEPARTMENT OF WATER RESOURCES RE: STATE WATER PROJECT AND CALIFORNIA ENDANGERED SPECIES ACT.

- IV. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION AND DEPARTMENT OF FISH AND GAME RE: PACIFIC FISHER.
- V. UNITED ANGLERS OF SOUTHERN CALIFORNIA; COASTSIDE FISHING CLUB; AND ROBERT C. FLETCHER vs. CALIFORNIA FISH AND GAME COMMISSION RE: SOUTH COAST STUDY REGION AND NORTH CENTRAL COAST STUDY REGION MARINE PROTECTED AREAS UNDER THE MARINE PROTECTION ACT.

B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.

C. STAFF PERFORMANCE AND COMPENSATION.

D. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS.

- I. MR. GARY FARLEY – DENIAL OF 2012-2013 GUIDE LICENSE.
 - II. MR. KERRY GRIFFITH - DENIAL OF 2012-2013 GUIDE LICENSE.
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