



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 25 of the Environmental Impact Assessment Regulations, 2014

Establishment of the Sea Based Southern Cross Salmon Fish Farm within the Aquaculture
Development Zone in Saldanha Bay within Saldanha Bay Local Municipality in the Western Cape
Province

West Coast District Municipality

Authorisation register number:	14/12/16/3/3/1/1728/1
Last amended:	<i>First issue</i>
Holder of authorisation:	SOUTHERN CROSS SALMON FARMING (PTY) LTD
Location of activity:	WESTERN CAPE PROVINCE: <i>Within Saldanha Bay</i>

This environmental authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

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Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation (EA), that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this environmental authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No.107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises –

SOUTHERN CROSS SALMON FARMING (PTY) LTD

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Andrew MacIachlan

Southern Cross Salmon Farming (Pty) Ltd

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to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 (GN R. 983):

Listed activities	Activity/Project description
<p><u>GN R. 983 Item 7:</u></p> <p><i>The development and related operation of facilities, infrastructure or structures for aquaculture of sea-based cage culture of finfish, crustaceans, reptiles, amphibians, molluscs, echinoderms and aquatic plants where the facility, infrastructure or structures will have a production output exceeding 50 000 kg per annum (wet weight).</i></p>	<p>The Southern Cross Project aims to produce primarily shell fish in the Outer Bay North Site (20ha) to total production not exceeding 2500 tons (graded) per annum which is in line with the recommended production for the Department of Agriculture, Forestry and Fisheries (DAFF) Aquaculture Development Zone (ADZ). The shell fish species are as indicated in the species recommended for the ADZ as a whole. The culture method planned is long-line in line with production methods as indicated in the ADZ.</p> <p>The 10ha Southern Cross site for Outer Bay South, which falls within the post mitigation area of the ADZ, is planned to produce approximately 1000 tons of marine finfish per annum at full production. The species of the marine finfish is the same as those indicated in the ADZ.</p>
<p><u>GN R. 983 Item 17:</u></p> <p><i>Development</i></p> <p><i>(i) in the sea;</i></p> <p><i>in respect of</i></p> <p><i>(f) infrastructure or structures with a development footprint of 50 square metres or more.</i></p>	<p>The aquaculture structures (such as mussel rafts, longlines, fish cages and barrels) will be moored to the sea bed. The combined footprint of moorings for each structure is well below 50 m². The combined footprint of all moorings for all structures within the ADZ may however exceed 50 m².</p>
<p><u>GN R. 983 Item 19A:</u></p>	

Listed activities	Activity/Project description
<i>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from: (iii) the sea.</i>	The development may result in the moving of more than 5m ³ of sand, shells or rock in the sea and depositing of material of more than 5 m ³ (e.g. anchor blocks and/or mussel shells) into the sea.

as described in the Basic Assessment Report (BAR) dated August 2017 at:

Outer Bay South (10 ha)		
Point-	Latitude	Longitude
SC-E	33° 4'34.80"S	17°57'45.70"E
SC-F	33° 4'34.83"S	17°57'51.66"E
SC-G	33° 4'42.36"S	17°57'51.66"E
SC-H	33° 4'41.46"S	17°57'45.63"E
Point- Outer Bay North (20ha)		
Point-	Latitude	Longitude
SC-A	33° 1'55.80"S	17°56'50.80"E
SC-B	33° 1'55.90"S	17°57'13.13"E
SC-C	33° 2'8.20"S	17°57'12.90"E
SC-D	33° 2'8.00"S	17°56'50.70"E

the location indicated in the locality plan, attached as Annexure 2 of this authorisation.

- for the establishment of the the Sea Based Southern Cross Salmon Fish Farm within the Aquaculture Development Zone in Saldanha Bay, within Saldanha Bay Local Municipality in the Western Cape Province, hereafter referred to as "the property".

The project will include the following:

- Production of primarily shellfish in the Outer Bay North Site (20ha) to total production not exceeding 2 500 tons (graded). The culture method planned is long-line; and
- Production of approximately 1000 tons of marine finfish per annum over the total 10ha at full production (within the Outer Bay South site, using production method floating cages).

(a) Southern Cross Areas

- Outer Bay North: north of Port entrance channel, near Malgas Island; and
- Outer Bay South: south of Port entrance channel, near Jutten Island

(b) Species and Methods

The following species are considered for farming in the Southern Cross sites:

- Currently cultivated bivalve species:
 - Pacific oyster (*Crassostrea gigas*)
 - Mediterranean mussel (*Mytilus galloprovincialis*)
 - Black mussel (*Choromytilus meridionalis*)
 - New indigenous shellfish species:
 - Abalone (*Haliotis midae*)
 - South African scallop (*Pecten sulcicostatus*)
- New indigenous finfish species:
 - White Stumpnose (*Rhabdosargus globiceps*)
 - Kabeljou (*Argyrosomus inodorus*)
 - Yellowtail (*Seriola lalandi*)
- Alien finfish species:
 - Atlantic salmon (*Salmo salar*)
 - Coho salmon (*Oncorhynchus kisutch*)
 - King/Chinook salmon (*Oncorhynchus tshawytscha*)
 - Rainbow trout (*Oncorhynchus mykiss*)
 - Brown trout (*Salmo trutta*)

Viable production methods for farming:

- Longlines for bivalve culture, comprising a surface rope with floats and moored at each end to fix the line in position. The production ropes for mussels or oyster racks are then suspended from the surface rope;
- Rafts for bivalve culture, comprising of a floating top structure moored to the seabed from which mussel ropes are suspended;

- Cages for finfish production, constructed of circular flexible high density polyethylene with multi-mooring systems; and
- Barrel culture for abalone, which can be deployed from rafts and longlines.

Table below shows summarises the Southern Cross areas, species and methods:

ADZ Precinct	Recommended species (*individual species as per list provided above)	Recommended Production Method
Outer Bay - North	Mediterranean mussel (<i>Mytilus galloprovincialis</i>)	Sub-surface longlines
	Black mussel (<i>Choromytilus meridionalis</i>)	
	Indigenous finfish species* Alien finfish species*	Floating cages
Outer Bay - South	Mediterranean mussel (<i>Mytilus galloprovincialis</i>)	Sub-surface longlines
	Black mussel (<i>Choromytilus meridionalis</i>)	
	Indigenous finfish species* Alien finfish species*	Floating cages

(c) Sea-based Aquaculture Activities

Sea-based activities associated with aquaculture include:

- Servicing and maintenance of aquaculture structures (such as rafts, lines, cages);
- Harvesting of cultivated species;
- Initial processing of bivalves, including de-clumping and grading, typically on the raft or support vessel; and
- Vessel trips between the shore and aquaculture areas, e.g. to service structures or harvest species.

(d) Associated Sea-based Infrastructure

Besides the rafts, lines, cages and barrels (including moorings and flotation devices) required for aquaculture, the following associated sea-based infrastructure is required:

- Navigational lights demarcating aquaculture areas;
- Mooring facilities for boats.

(e) Associated Land-based Infrastructure and Activities

Land-based infrastructure and activities depend on cultivated species, production methods and processing. Mussels can largely be harvested, de-clumped and graded on the raft or support vessel. Basic land-based support infrastructure includes:

- Landing quays (catering to personnel, equipment and product) that are accessible for vehicles;
- Mooring space in protected harbour areas for support vessels; and
- Product holding facilities (which can be off-site if they do not rely on seawater).

The capacity of existing quays is deemed sufficient to accommodate a moderate expansion of the aquaculture industry.

Note that this environmental authorisation **does not** include for authorisation of the land based facilities, since the detailed information for land based facilities will depend on the specific cultivated species and production methods chosen by the holder of the authorisation. Should the proposed land based activities trigger any listed activities in terms of the NEMA EIA Regulations, authorisation for those land based activities will need to be obtained from the Competent Authority prior to commencement of the activity.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The post mitigation scenario for the construction of the Sea-Based Southern Salmon Fish Farm within the Aquaculture Development Zone in Saldanha Bay within the West Coast District Municipality in the Western Cape Province is approved, as per the geographic coordinates cited in the table above.
2. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further environmental authorisation in terms of the regulations.
6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of five (05) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
8. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
 - 10.1. specify the date on which the authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4. give the reasons of the competent authority for the decision.

Commencement of the activity

11. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014 and no appeal has been lodged against the decision. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Management of the activity

12. The holder of the authorisation must compile a site specific Environmental Management Programme (EMPr) which must be in line with the recommendations of the EMPr that was approved as part of the application for environmental authorisation for the Department of Agriculture, Forestry and Fisheries' Aquaculture Development Zone (ADZ) in Saldanha Bay. The site specific EMPr must be made available to the AMC and Consultative Forum for review and comment before adoption by the AMC. The EMPr must also include the final layout map of the approved areas in the authorisation.
13. The Southern Cross site specific EMPr will be subject to the same compliance monitoring by the AMC, as the broader approved EMPr for the DAFF ADZ. The AMC will have the same powers and exercise the same duties concerning the Southern Cross development, as they have for the broader

DAFF ADZ (where such powers and duties are outlined in that DAFF ADZ environmental authorisation e.g. supervising and monitoring compliance by Southern Cross to the conditions of the environmental authorisation and the EMPr, reviewing monitoring data and making recommendations for improvement).

Frequency and process of updating the EMPr

14. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 22 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
15. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
16. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
17. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
18. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

Monitoring

19. The holder of the authorisation must appoint a suitably qualified and experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
 - 19.1. The ECO must be appointed before commencement of any authorised activities.

- 19.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 19.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
- 19.4. All monitoring studies conducted for the development must be submitted to the ADZ Management Committee (AMC), commissioned by DAFF to ensure appropriate ADZ management. The monitoring studies must be reviewed by an independent specialist to verify findings before the report is submitted to the AMC.
- 19.5. Findings of the daily monitoring by ECO must be summarised into a monthly report which must be presented by the ECO to the AMC at the bi-monthly meetings.
- 19.6. The ECO must also submit a detailed monitoring report to the Directorate: Compliance Monitoring on a monthly basis. A summarised version of this report must also be made available to all AMC members every on a monthly basis.

Recording and reporting to the Department

20. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
21. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
22. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
23. The holder of the authorisation must, in addition, submit an environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
24. The environmental audit reports must be compiled in accordance with appendix 7 of the EIA Regulations, 2014 and must indicate the date of the audit, the name of the auditor and the outcome

of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.

25. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Notification to authorities

26. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

Operation of the activity

27. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

28. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

29. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste must be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).
30. No new mooring blocks must be placed within a 200m of the Merestein site (33.087355°S, 17.955044°E – WGS84, Decimal Degrees)
31. A detailed anchor distribution plan be provided to the Maritime and Underwater Cultural Heritage Unit at SAHRA once this has been finalised. This can be used to reassess potential shipwreck impacts to

- assist developers in determining whether to amend placement plans to avoid incurring further heritage intervention costs.
32. Diver surveys must be completed during the activities required for setting anchor arrays. Commercial divers working on the project must be provided with brief orientation training. If wreck material is identified, archaeologists must be contracted to make an assessment.
 33. The location and nature of any identified maritime and underwater cultural heritage resource must be provided to a maritime archaeologist and to the South African Heritage Resources Agency for inclusion on their Shipwreck Database.
 34. Should evidence of archaeological material be identified, the Maritime and Underwater Cultural Heritage Unit at SAHRA must be notified and an archaeologist must assess the findings.
 35. Should any wreck site, or part thereof, or object or artefacts from a wreck site be disturbed during operations, a permit from SAHRA must be acquired prior to continuing with activities.
 36. Benthic Mapping / survey of the area under individual farms must be undertaken before the commencement of the operational phase, in order to establish baseline conditions for monitoring purposes.
 37. Monitoring points must be established before the commencement of farming activities on each site, in order to measure pre-farming baseline conditions with observed conditions during the operational phase. The number and placement of these monitoring points, and the parameters measured, must be appropriate to the mariculture activity type (and its by-products) at that site, the benthic habitat at that site, as well as the prevailing environmental conditions (such as the dominant current directions). The information gathered from monitoring points must be used to guide the phased development of each site.
 38. The holder of the authorisation must form part of the Consultative Forum, which is to be commissioned by DAFF for the ADZ.

Phasing in of aquaculture expansion

39. The holder of the authorisation must consult with DAFF to determine the phasing-in allowances for shellfish and finfish production applicable to this activity, in order to ensure that the activity is aligned with the precautionary phasing-in targets and objectives which have been set for the broader ADZ as a whole to mitigate impacts on Saldanha Bay. The holder of the authorisation must adhere to the precautionary targets set by DAFF.

General

40. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 40.1. at the site of the authorised activity;
 - 40.2. to anyone on request; and
 - 40.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
41. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 08/01/2018


Mr Sabelo Malaza

Chief Director, Integrated Environmental Authorisations
Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the BAR dated August 2017;
- b) The comments received from DEA Ocean and Coast, SANParks, West Coast District Municipality, Western Cape Department of Environmental Affairs and Development planning, Saldanha Bay Local Municipality, Cape Nature and Interested And Affected Parties as included in the BAR dated August 2017;
- c) Mitigation measures as proposed in the BAR dated August 2017 and the EMPr;
- d) The information contained in the specialist studies contained on the BAR; and
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No.107 of 1998).

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the project stems from the requirement to develop and facilitate aquaculture (the sea-based or land-based rearing of aquatic animals or the cultivation of aquatic plants for food) in South Africa to supply food, create jobs in marginalised coastal communities and contribute to national income.
- c) The project forms part of a presidential initiative to unlock the potential of the oceans to create employment and income in coastal communities, and specifically aims to create incentives for development of the aquaculture industry in Saldanha Bay, which has historically already provided skills development and employment in the area. As such, the project forms part of a government

- initiative and aims to further the objectives of the National Development Plan in terms of economic development.
- d) The Southern Cross Salmon Fish Farm falls completely within the Department of Agriculture, Forestry and Fisheries' approved Aquaculture Development Zone (ADZ), which was significantly reduced in size in order to minimise environmental impacts from aquaculture farming in Saldanha Bay. This "post-mitigation" ADZ included buffers around the Marine Protected Areas (MPA) in Outer Bay North and South as follows:
- i. Outer Bay North: 1 000 m buffer for finfish and 500 m buffer for shellfish around the Malgas Island MPA and 100 m-wide buffer around reefs and blinders (to mitigate marine ecology impacts). This reduced the precinct by 40%; and
 - ii. Outer Bay South: 250 m-wide buffer around Jutten Island MPA (aligned with the island) and the entire channel between Jutten Island and Donkergat Peninsula (to mitigate marine ecology, socio-economic and heritage impacts). This reduced the precinct by 73%.
- e) The Southern Cross site for Outer Bay South was initially planned to produce approximately 2000 tons of marine finfish per annum over the total 20ha at full production. However, as only 10ha of the 20ha site falls within the post mitigation ADZ (see locality plan in Annexure 2 below) only the 10 ha located within the ADZ for Outer Bay South is approved, with a total production of 1000 tons per annum. The 10ha area falling outside of the post mitigation ADZ is therefore not included in the environmental authorisation. The Southern Cross sites were therefore aligned with the approved post-mitigation layout for the ADZ, in order to reduce potential impacts from the activity. The species of marine finfish will be the same as those indicated in the ADZ application.
- a) The holder of the authorisation will form part of the Consultative Forum to be commissioned by the Department of Agriculture, Forestry and Fisheries, which will help to ensure appropriate environmental management of the project within the ADZ as a whole.
 - b) The BAR dated August 2017 identified all relevant environmental legislation and guidelines that have been considered in the preparation of the BAR dated August 2017.
 - c) The methodology used in assessing the potential impacts identified in the BAR dated August 2017 and the specialist studies have been adequately indicated.
 - d) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.

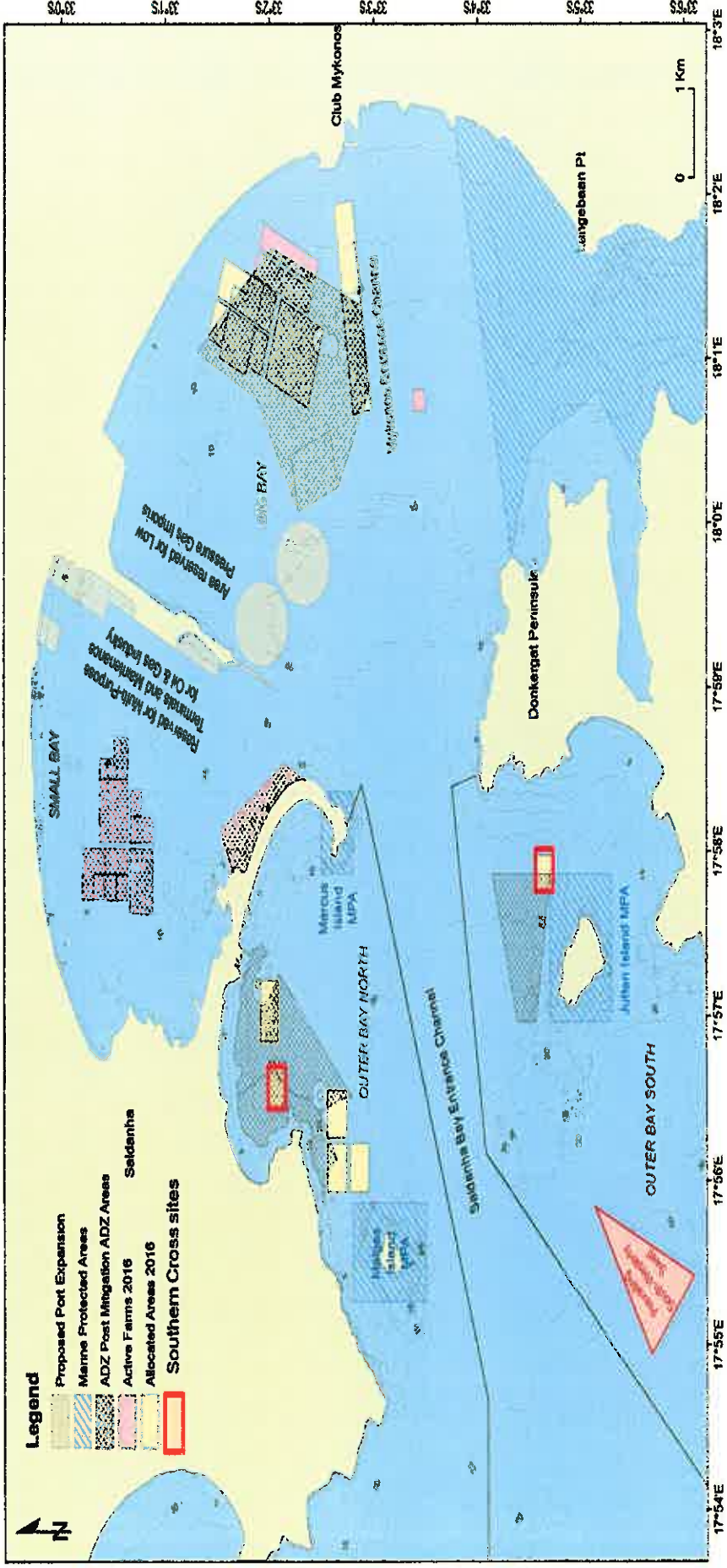
3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the BAR dated August 2017 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) According to the independent environmental assessment practitioner, the information contained in the BAR dated August 2017 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

Annexure 2: Locality Plan



*Note that only the 10ha portion of the Southern Cross site falling within the ADZ in Outer Bay South is approved as part of this application. The area falling outside of the ADZ is not approved.

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