

Legislative Update: House Bill 1706 - To transfer the authority related to liquid animal waste management systems

This recently approved legislation is about moving the permitting of hog farms from the Department Arkansas ofEnvironmental Quality (ADEQ) to the Arkansas Natural Resources Commission (ANRC). Back in 2019, there was similar legislation introduced as a result of the C&H Hog Farms controversy. ANRC is farmer friendly agency a established in dustbowl days to farmers with the assist conservation of topsoil. They serve an important purpose, but they are more aligned with farmer's interests than evaluating conducting permits or enforcement. The goal was to have ANRC rewrite the regulations to be more favorable to hog farms, possibly in a way that would protect C&H. That early legislation fell apart when EPA expressed an unwelcome interest.



By Brian Thompson, Ozark Society President

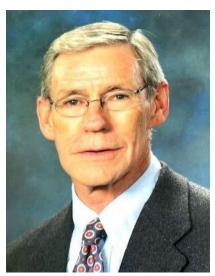
This HB1706 year, was introduced with the same purpose as the failed 2019 bill, in that it would move permitting from ADEQ to ANRC. The new bill was sponsored by DeAnn Vaught District 87 (Horatio). of Representative Vaught, a senior house member serving on several committees, also raises hogs as part operation. of her farming Surprisingly, the Governor's Office did not support Vaught's bill, primarily because ANRC would be required to hire their own legal, geological, and engineering personnel to support regulatory promulgation and enforcement, essentially creating an expensive staffing redundancy with ADEQ. There might have also been concerns that EPA would, once again, take an unwelcome interest in revisiting existing regulations. The Governor's Office chose to amend the bill rather than oppose it outright. Key language in the amendment noted that The Division of Agriculture/ANRC has authority over all liquid animal waste systems "in consultation with the Division of Environmental *Quality.*" It is our understanding that this "in consultation" phrase, essentially maintains the permit decision making with ADEQ, at least in the eyes of this governor.

There are still procedural questions to be resolved in regard to the flow of permit applications and enforcement.



The fact that permitting regulations are unlikely to change is good news, but the language of this law is subject to interpretation. Under a future administration, ANRC might easily be allowed to take a more proactive role and promulgate new hog farm rules that could be more permissive and less transparent. The good news is that current permitting is unlikely to change for now. But it is clear that there is strong legislative support to allow existing regulations to be watered down, if not outright eliminated.

In Memoriam: Wellborn Jack Jr. By Carolyn Shearman and The Shreveport Times



Wellborn Jack Jr. passed away April 4, 2023. He was born in Shreveport on July 23, 1936. He attended Barrett Elementary, Broadmoor Jr. High and Byrd High School. He graduated from LSU and LSU Law School where he was named Editor in Chief of the Law Review. He began the practice of law with his father in Shreveport in 1963. Wellborn had a brilliant mind and a passion for the law. He had unparalleled an commitment to his clients. He was included in "The Best Trial America" Lawyers of collection. Of all the cases he tried in his over 50 years as a trial attorney, two of them especially stood out. He was the first in the country to obtain, in a violent case, a not guilty by reason of insanity verdict based upon PTSD from the Vietnam War. He also defended a member of Earth First in an environmental conspiracy case in AZ. Wellborn was a life-long environmentalist. He was instrumental in creating the Caney Creek Wilderness Area, the first designated wilderness area in AR. He obtained a temporary restraining order to stop the dam ultimately built on

the Cossatot River. He was a coof the founder Kisatchie Chapter of the Ozark Society. He was named Conservationist of the Year. He was awarded the Ozark Society Neil Compton Award in 2002. Wellborn served in the National Guard Reserves. He enjoyed bird watching, hiking. canoeing. sailing, snow skiing, motorcycle riding, running, triathlons, piloting gliders and small planes and spending time with friends of Bill Wilson. He studied the intricate details of every activity in which he engaged and put everything he had plus some into it. He never lost his thirst for and love of knowledge. Everyone who ever met Wellborn knew that they had met someone very special.

The Tom Dillard Advocacy Award By Brian Thompson, Ozark Society President

On April 14th, at the 82nd annual conference of the Arkansas Historical Association, The Ozark Society was honored with the *Tom Dillard Advocacy Award*. The banquet was held at the Lake DeGray State Park at Arkadelphia. Joe and Laura Nix attended, with Joe graciously accepting the award and saying a few words of gratitude on The Ozark Society's behalf. Thanks Joe! In addition to the plaque was a \$300.00 check.



Climate Change Part 1: What Can a Person Do? By Laura Timby, Climate Change Committee

It's on the news everywhere, all the time. Dire predictions regarding the results of Climate Change also referred to as Global Warming. Not everyone agrees on whether its real or some made up scare tactic, but the general consensus of the Scientific Community is that it is real and happening, regardless of what it is called. Rarely a day passes without some news report of increasingly devastating storm Whether it events. is an unimaginably fierce hurricane or tornado, catastrophic flooding, frequent devastating earthquakes, deadly droughts, new records snowfalls, or soaring temperatures that threaten all life on earth, as we know it, it appears to be occurring with increased frequency. Disturbing? Frightening? Yes indeed, and on a scale that makes an individual wonder what they can possibly do to stop or slow the progression of this trend?

Margaret Mead was a wellknown American cultural anthropologist in the 60's and 70's. One of her more publicized quotes goes like this: "Never doubt that a small group of committed individuals can change the world. In fact, it's the only thing that ever has." Wow! What a powerful and intriguing message. It gives me goose bumps! Very much the same way as when I think of Ozark Society founder, Dr. Neil Compton's most notable quote: " The challenge goes on. There are other lands and rivers,

other wilderness areas to save and to share with all. I challenge you to step forward to protect and care for the wild places you love best."



Are we up for the challenge to care for and protect our Mother Earth? Here are a few ideas that may not seem like much but when practiced by an individual, and then by a few more people, and then by a community or city or state, can actually be part of the solution. Want to try? Here goes. Begin by eliminating the number plastic items that vou of incorporate into your daily life. Plastic bags, bottles, containers and products of all kinds, are becoming increasingly difficult to dispose of in a conscientious way, and actually, can never he recycled successfully or completely broken down. Glass is a much better option, as well as bamboo. Styrofoam is another product we should try to minimize or eliminate entirely from our lives. It never completely biodegrades. Have you ever walked along the shoreline of the ocean, a lake or river and spied thousands of little white balls and what wondered it was?

Unfortunately, that is Styrofoam. Ugh! Use reusable bags when shopping. Buy organic food and personal products. Organic food tastes better and when grown organically does not rely on petroleum-based fertilizers. Organic personal cares products are better for you and do not rely on petroleum based chemical additives. Grow your own organic garden. Grass clippings, weeds from your lawn and flower beds, leaves from your trees (or your neighbors) can all be composted to produce the most amazingly rich and beneficial soil for your gardens.

One might wonder where do all these products originate? The common denominator is Petroleum. That is, "Bubblin' Crude, Black Gold, Texas Tea." Sorry, I just couldn't resist the Beverly Hillbilly theme song! Our continuous consumption of petroleum, in its many forms, is one of the chief contributors to the warming and pollution of our planet. It may be a hard habit to break but with determination we can make a start in the right direction to heal our planet and ourselves. Just think of the wisdom of Margaret Mead and Dr. Compton if you need inspiration and encouragement. Mother Earth will thank you.



Zombies in the Ozarks By Fred Paillet, OS Education Chair

You read that right – there are a few zombies on the loose in the By zombies we mean Ozarks. functionally dead creatures with their nervous systems taken over by alien life forms and programmed to do the bidding of those new masters. In high school biology you may remember hearing about one of nature's ecological cruelties in the form of wasps that parasitize caterpillars. The female wasps do this by stinging the caterpillar to paralyze the bug, and then depositing eggs injected into the still living body. The wasp larvae then mature by eating the living flesh of their helpless victim. The process of ecological success through such a parasitic process has reached its ultimate form in the zombie ant the fungus of genus Ophiocordyceps. This fungus disseminates spores that infect ants but not to simply digest them. The fungus first takes over the ant's nervous system to program the ant zombie to become the ideal fruiting body for the dissemination of spores. The ant is programmed to climb to the highest point it can manage so that the spores eventually produced can be exposed to the wind to ensure that they travel far and wide in search of more victims. The ant's head is then forced to bite down hard on the leaf or stem where it has been positioned to form a firm attachment. The fugus then proceeds to consume its victim, forming a solid attachment (the white frilly "skirt" shown in my illustration). At maturity, fruiting bodies sprout from the inside of the ant that has become filled with fungal mycelia and begin to shed spores. Sometimes the fruiting bodies can be recognized as miniature mushrooms (as shown in my illustration) but can come in other forms such as horns, fibers and beads on the end of a string. The parasitized ants thus fulfill the role of a zombie – functionally dead creatures stumbling around as they respond to the will of their internal alien masters.



Zombie ant forced to serve its fungal master

The complexity and devious effectiveness of the ant zombie reproductive strategy is astounding. One wonders how such an involved interaction of life forms could have arisen. An obvious factor is the

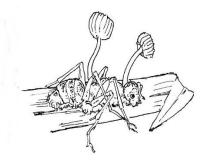
abundance of the sheer ant population in the environment. Entomologists such as the famous Edward 0 naturalist Wilson estimate that ants make up nearly three quarters of the total insect biomass in the tropical rain forest. That's a lot of sustenance for any life form that can take advantage of that abundant resource. In fact. predation is credited with а fundamental impact on the entire course of evolution. Paleontologists have long noted the so-called Cambrian Explosion. This is a vast expansion of fossilized life forms that suddenly appears in the geological record. One often cited cause for this sudden explosion of diversification is the onset of predation. The earliest life forms were unicellular microbes that must simply absorbed their have sustenance from organic debris in the surrounding medium. They had no need to hide from predators. Then, when multicellular animals emerged with the capability of specialized organs, new possibilities When one precocious arose. "worm" developed the ability to capture and metabolize its living neighbors the whole situation changed. Evolution caused those species that were being eaten to find ways to frustrate their predators while the predators developed new equipment with which to detect and digest their prey.

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Zombies in the Ozarks.....continued

In that sense, zombie ants used to both provide sustenance and serve as reproductive platforms is a logical consequence of the predator-prey competition.

The recent development of quick and inexpensive methods for delineating the DNA genome now provides a way to investigate the deep history of the organisms associated with that genome. А recent on-line lecture provided by the Torrey Society associated with the York Botanical New Garden reviewed the genome analysis of the entire line of insect-consuming fungi. This involved systematic genome build-up (molecular time clock) and the spread of various genes between an ever-widening group of developing species. The very first of these insect-eating fungi appeared a hundred or so million years ago as beetle grub predators. If you do any gardening at all you can recognized such grubs as fat, ghostly white little worms that roll out when you turn over the garden soil. They look like they ought to pack a lot of good food for any predator. Since they live in the soil you can readily see how soil fungi could tap into this resource. From there, the analysis shows this family of fungi expanding to include butterflies and many other insects as their prey in the wider, above-ground world. The antzombie fungi constitute one of the most recent developments in this ancient story.



One final question is why this family of fungi had to resort to the zombie-ant strategy. Why bother to go to all the complications involved in that strategy? Why not just eat the ants

from the inside as they spread the ferocious fungus when they re-enter a teeming nest full of additional victims?

This strategy was necessary because of what biologists call social immunity. Colonial ants and bees have developed the ability to detect when one of their returning workers carries a pathogen. These diseased fellows are immediately set upon and killed, and their carcasses safely disposed of outside of their abode. The zombie-ant strategy apparently developed as a way to avoid the social "antibodies" incorporated into the colonial behavior of ants and bees. In that way the zombie-ant story is just another chapter in the evolutionary dance between predator and victim that we see being played between the new covid out respiratory disease and the chemistry incorporated into the human system of adaptive immunity. Ants and their zombified condition are obviously more common in the rainforest, but we do have a few of our own Ozark zombies, too.

"Personhood" By Alice Andrews, OS Conservation Co- Chair

I am inspired and excited to report on environmental concept, referred to as "Personhood". To quote Claire Parish's article in The Varsity (University of Toronto's Student Newspaper), "Rivers aren't people...but what if we acted like they were?"

What makes a person? For example, is it possible for something inanimate to be a person? Environmental personhood clarifies that environmental beings have intrinsic worth, that they have value beyond just their impact on humanity. It is not that people have a right to clean air, but that the air has a right to be clean. The legal concept is both very new and very old, and is rapidly gaining ground around the world: Ecuador, Colombia, India, New Zealand, Bangladesh, Canada. Switzerland, Colorado and a few other states in the U.S. Colorado's Uncompanyer River has a legal Personhood Resolution, flowing with legal rights through several towns without the potential worries of being polluted or dammed. The legal challenges can be and are difficult but the above-named countries have had great successes.

Environmental personhood can be traced to a 1972 paper by Professor Christopher D. Stone, titled "Should trees have standing?" Stone proposed that environmental beings like trees or rivers should be given intrinsic legal rights and stood to defend these beings in court. He may not have mentioned legal personhood but his ideas planted the seeds for the development of environmental rights and environmental personhood. What if legal personhood included plants, rivers, watersheds, forests and our planet?

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"Personhood"....continued

If a river is polluted, it could sue the polluter by being represented as an independent being. Giving rights non-humans is not to new. Corporations, ships, a river with person-hood can have representatives to sue on its behalf. Stone suggested many possible rights for natural beings. His examples: A river may have the right to flow freely; a forest may have the right to maintain its ecosystem's balance. These rights and its legal standing could allow a river to protect itself. Otherwise, trout, frogs, mayflies and water itself does not get a say while water is pushed, pulled, dammed or drained. So. next time you meet an ant, a tree or a river, try seeing someone instead of something. Maybe one day our legal system will consider that non-human entity a person too. After all, our survival depends on them and their survival depends on us.

In 1972, a court case, Sierra Club vs Morton is remembered for Justice William Douglas's dissenting opinion different contended that environmental issues should have a "locus standi", (the right to stand before the court of law) for their own protection and preservation. He believed people who share a purposeful relationship with any environmental body should have locus standi, the right to bring a legal action to a court of law to defend the environmental body and its values. Justice Douglas argued that since inanimate objects like ships and corporations were already recognized as an acceptable adversary for many adjudicatory processes, he contended that by granting environment a standing to be heard would bring

better support of ecological balance and preservation.

Legislation across the world, advocating for certain rights of nature, granting legal personality to flora and fauna and other environmental elements, are to the credit of Justice Douglas. This is a welcome change from the usual legal viewpoint which maintains an anthropocentric view of nature.

A few examples of Personhood progress:

Ecuador wrote a new constitution in favor of environmental rights and legal standing, stating "all persons, communities, peoples and nations can call upon public authorities to enforce the rights of nature".

New Zealand, after years of debate, the Whanganui River which flows across the North Island of Aotearoa, was declared a full legal person in 2017, recognized under the name Te Awa Tupua - river with ancestral power. The Whanganui River Claims Settlement Act granted the river all rights and power of a legal person and established small office of legal representation for Te Awa Tupua, which acts as the river's human face. India, on the same day as New Zealand passed the Settlement Act, one of India's high courts ruled that the Ganges and Yamuna Rivers be considered legal persons. Soon, the court extended this status to the ecosystem that surrounds the rivers, which includes glaciers, lakes, air and forests. The court charged local government officials with the responsibility to act as the "human face" of these rivers and associated landscapes. One unforeseen problem of legal personhood: liability of the rivers. A judge summoned the

Ganges River to testify about a certain problem with pollution from a nearby garbage dump a problem that began long before the river was declared a person. The judge demanded the river be accountable for giving it's land away for construction of a dump.

Bangladesh's top court recently granted all rivers legal rights as people, for example, and <u>Colombia's</u> Supreme Court declared the Amazon River Ecosystem to be a "subject of rights".

Canada's Magpie River, also known as Muteshekau Shipu, in 2021, joined the growing collection of global environmental persons, the first of it's kind in Canada. This was a joint resolution by the Innu Council of Ekuanitshit and the Minganie Regional County Municipality. Together they recognized the Magpie River's right to live, exist and flow, to maintain its biodiversity, to be free from pollution and to sue for its rights to be respected. The Innu and other First Nations, municipal governments and environmental groups have fought against industrial development around the river for more than a decade. Legal personhood is one way to win this battle. Chief Jean-Charles Pietacho of the Innu Council of Ekuanitshit, "designating the river as a legal person was the clearest message we could send...The river protects herself, we protect the river, we're all protected." Appointed river guardians would represent the river and protect it's rights.

Impacts of environmental personhood: It is still unknown whether these laws and judgements will have a significant effect on the protection of the environment.

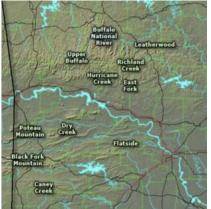
The National Forest Decisions – You Can Make a Difference By Tom McClure, OS Conservation Co-chair

We have all inherited 2.6 million acres of national forest land here in Arkansas. That's 7.6% of the land area of the entire state, which is 34 million acres. These lands are a treasure, impacting our lives in so many positive ways. For a good portion of us, these wonderful places are firmly tied to our sense of well-being, and our hopes and dreams for the future. We want the "The Natural State" to live up to its motto over the long We know and appreciate term. what the Ouachita and Ozark National Forests have meant to us in our lifetimes, and we want them to be here, in good shape, for generations to come.

These lands house much of the state's biological diversity. Our native plants and animals dwell here, in a variety of habitats. Some of these species are rare and need special attention from us to help assure their survival into the future. These forests maintain elaborate ecosystems that we are still trying to understand. They provide a place to learn about nature and a place to learn about our relationship with nature.

National forests protect our water. These forests act as huge filters to keep our water clean, drinkable, and swimmable, and also act to slow down the water flow into creeks and rivers. This circuitous water flow occurs as raindrops hit leaves on the branches of trees, and then meander through the detritus on the forest floor, replenishing groundwater and filling surface tributaries, in an ageold process that leads to a relatively steady flow of clean, life-giving water into our streams. These forests help enable this process of clean water production, while at the same time reducing flooding and erosion.

These forests are a favorite destination for outdoor recreation of all kinds. They provide a wild and component, feature а landscape size, providing a setting that is appealing to a large segment of the population. The water here is often clear and clean, and the air is usually very clean too. The woods extend for miles and miles, offering pleasing scenic views. People from Arkansas and surrounding states enjoy spending time here, and many plan recreational outings here. Some plan their vacations here, and often come back again and again.



So, what can we do as citizens, and as an organization, to be a positive force for these remarkable public forests? One way is to personally get involved. Participate in the opportunities that the Forest Services now offers, under laws that have been

passed by Congress over the past several decades. These laws are specifically designed to provide for the participation of ordinary citizens in the planning and management of these lands owned by all of us. You can do this by calling the Ouachita and Ozark National Forest offices in Hot (501 - 321 - 5202)Springs and Russellville (479-964-7200) and ask to be put on the email list to receive SOPA (Schedule of Proposed Actions). This will allow you to keep up with projects and send in comments at appropriate times.

It is especially important to send in comments during the "Scoping Period" for a given project, and then to continue to comment at the various stages of the project after scoping. This allows for your opinions to be considered early in the game, so they can be considered when the still decisions are being formulated. and when your requests can more easily be incorporated in the project plan.

You can also participate and make a difference by responding to requests by Brian Thompson and other Ozark Society leaders, to send in comments on important issues.

These selective email "blasts" that go to the entire Ozark Society membership, or sometimes just to a particular chapter's membership, are **Continued on page 8.**

The National Forest Decisions Continued

usually for high priority situations when your involvement is extremely important and timely.



Thank you for your usual strong responses to these special requests. Your thoughtful input to state and federal agencies, as well as to elected officials, has proved to be a powerful and effective force in determining outcomes on important issues.

During the past two or three years, several of us from the Ozark Society have held meetings with staff members of the Ouachita and Ozark National Forests. These meetings have helped us learn more about issues facing Forest Service employees, and hear their concerns about current and future forest management. The meetings have also provided an opportunity for us to share our concerns and suggestions, and to search for winwin situations where the Ozark Society and the Forest Service can work together to achieve common goals.

These meetings and other communications allow us to hear about and weigh in on Forest Service projects early in the planning process. Once again, our efforts are more productive when we are involved in the early planning stages of a given project. It reminds me of a quote I saw on a friend's office wall one time, "If you're not making dust, you're eating dust."

In the course of our meetings with Forest Service personnel, we have met some talented and dedicated people, who are willing to listen to and consider the ideas and concerns of the Ozark Society, while of course also listening to other groups as well, who represent a wide range of perspectives about how the forests should be managed. As representatives of the Ozark Society, we acknowledge the need for many different uses of the national forests.

However, we are there to be a strong and consistent voice for wilderness, wild and scenic rivers, special interest areas, scenic areas, botanical areas, zoological areas, and research natural areas. We advocate for creeks and rivers, including keeping them clean and protecting the native aquatic life We ask for the found there. protection of rare and endangered species and their habitats, and support a sustainable future for all native plants and animals. We encourage the Forest Service to consider and plan for the protection of wildlife corridors, seasonal migration routes, and wild places, so that bears, bobcats, bats,

different species of migrating birds, and other wide-ranging types of wildlife will be able to maintain healthy, genetically diverse populations.

There is a brown, wooden Forest Service sign on Highway 270 about 5 miles west of Mount Ida that reads, "If Not You, Who?". And there's another Forest Service sign just down the road a few miles farther west that reads, "A Forest's Future is in Your Hands". I don't know who put the messages on these signs, but I am going to assume that they are talking to me, and to other members of the Ozark Society.



There are a sizeable number of people in the Forest Service, and in other federal and state agencies, who welcome and appreciate the input and participation of the Ozark Society. They depend on us to be there to speak up, and use our voice to be advocates. Please join in to help where you can to make our voice stronger and our efforts more meaningful and effective.



Ozark Society Membership Application/Renewal



Join us, or renew now! Dues are for one year, January-December, and they include a subscription to the Society's newsletter, *Pack & Paddle*. To join or renew, go online to the Ozark Society website at <u>www.ozarksociety.net</u>. Or you can fill out this form and send it with a check written to "The Ozark Society." See below for our mailing address.

| Name(s) | Date: |
|-----------------------|------------------------|
| Address: | |
| City, State, and ZIP: | |
| Phone: | |
| Email 1: | Old Email (if changed) |
| Email 2: | Old Email (if changed) |

Please check one:

| □ New Member | Start at Section A for your OS and Chapter Membership |
|---------------|--|
| □ Renewal | Start at Section A to renew your OS and Chapter Membership |
| □ LIFE Member | Start at Section B to renew just your Chapter Membership |

Section A: Please specify both the Level of Membership and the Chapter you are joining:

| Level: (choose one) | | |
|---------------------|---------|-----------------------------|
| □ Friend: | \$30 | = \$20 OS + \$10 Chapter |
| □ Associate: | \$50 | = \$40 OS + \$10 Chapter |
| □ Supporter: | \$100 | = \$90 OS + \$10 Chapter |
| □ Sponsor: | \$250 | = \$240 OS + \$10 Chapter |
| □ Patron: | \$500 | = \$490 OS +\$10 Chapter |
| □ Benefactor: | \$1000+ | + = \$990+ OS +\$10 Chapter |

Section B: For Members who wish to join more than one Chapter or Life Members renewing their Chapter Membership only

(Choose as many as you wish and add \$10 for each chapter)

- □ \$10 Bayou (Shreveport, LA)
- \square \$10 Buffalo River (North Central, AR)
- □ \$10 Highlands (Fayetteville, AR)
- □ \$10 Mississippi Valley (Missouri)
- □ \$10 Pulaski (Central, AR)
- □ \$10 Schoolcraft (Springfield, MO)
- □ \$10 Sugar Creek (Bentonville, AR)

My Total is: \$

Please remit to: The Ozark Society, PO Box 2914, Little Rock, AR 72203

You will receive an email Thank You from the Ozark Society. Please contact <u>oscomms@ozarksociety.net</u> for questions.

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Chapter: (choose one)

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- □ Buffalo River (North Central, AR)
- ☐ Highlands (Fayetteville, AR)
- Mississippi Valley (Missouri)
- D Pulaski (Central, AR)
- □ Schoolcraft (Springfield, MO)
- □ Sugar Creek (Bentonville, AR)
- □ No chapter, all to central Ozark Society

Section C: Donations to our Funds

(Choose any amount)

- \Box \$_____ The Conservation Fund
- □ \$____ The Endowment Fund
- □ \$_____ The Legal Fund
- \Box \$ _____ The Youth Grant Fund
- □ \$_____ The Compton Scholarship Fund
- \square \$ _____ The Hedges Scholarship Fund



Ozark Society P.O. Box 2914 Little Rock, AR 72203

Please Note: If you would like to receive *Pack & Paddle* by email, not through US Mail, please contact Carolyn Shearman at <u>oscomms@ozarksociety.net</u>.

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