UNITED STATES DEPARTMENT OF THE INTERIOR Bureau of Ocean Energy Management Office of Renewable Energy Programs

May 2017

Guidelines for Providing Avian Survey Information for Renewable Energy Development on the Outer Continental Shelf Pursuant to 30 CFR Part 585

I. Introduction to Guidelines

Before the U.S. Department of the Interior, Bureau of Ocean Energy Management (BOEM) will approve the siting of a facility proposed for a renewable energy project on the Outer Continental Shelf (OCS), a lessee must submit the results of its site characterization surveys to BOEM with its Site Assessment Plan (SAP), Construction and Operations Plan (COP), or General Activities Plan (GAP). The purpose of this national guidance document is to provide recommendations for complying with the avian information requirements in 30 CFR Part 585 Subpart F.

BOEM requires the results of site characterization studies to evaluate the impact of proposed activities on physical, biological, and socioeconomic resources, as well as the seafloor and subseafloor conditions which could be affected by the construction, installation, and operation of meteorological towers, buoys, cables, wind turbines, and supporting structures. The information will be used by BOEM, other Federal agencies, and potentially affected states in the preparation of National Environmental Policy Act (NEPA) documents; interagency consultations, such as Section 7 of the Endangered Species Act (ESA); and to meet other statutory and regulatory requirements. Early communication with BOEM and adherence to these guidelines should ensure that BOEM's information needs are met. Survey results obtained through procedures consistent with these guidelines should be sufficient for BOEM's decision-making process. BOEM may stipulate through lease or grant terms that lessees and grantees submit a SAP, COP, or GAP, and schedule a pre-survey meeting with BOEM to discuss the plan prior to conducting survey activities in the leased or granted area.

Site characterization activities in this document refer only to avian surveys. BOEM provides recommendations for conducting and reporting the results of other baseline collection studies in separate guidelines: http://www.boem.gov/Survey-Guidelines/. These national guidelines may be updated periodically, as new information or methodologies become available. This version supersedes previous versions.

The overall purpose of the required information is to describe the key species and habitat within the survey area possibly affected by the proposed operations. The avian survey plan should aim to:

• Identify and confirm which avian species are using the project site, and when these species may be present where development is proposed;

- Establish a pre-construction baseline which may be used to assess whether detectable changes associated with proposed operations occurred in post-construction abundance and distribution of avian species;
- Collect additional information aimed at reducing uncertainty associated with baseline estimates and/or to inform the interpretation of survey results; and
- Develop an approach to quantify any substantial changes in the distribution and abundance of avian species associated with proposed operations.

For all proposed projects on the OCS, the lessee should use https://ecos.fws.gov/ipac/ (and any other sources) to obtain a list of migratory bird species that may be in the project area. For all projects, lessees should also describe the measures to be taken to minimize or eliminate potential impacts to migratory bird species in their COP, SAP, or GAP. In addition, for projects involving the installation of wind energy turbines on the OCS, the lessee should prepare an avian survey plan that describes its methods for collecting sufficient information on the biology of the survey area to allow BOEM and other agencies with jurisdiction to make well-founded decisions in context with the regional biology. The amount of new information collected should match the scale and/or complexity of the proposed project. For example, a project to install wind energy turbines may need additional site-specific survey work prior to the submittal of a plan to build the energy generating structures. In contrast, a project to install a meteorological tower, meteorological buoy, or subsea cable would most likely not need additional survey work in the field and no survey plan for avian resources would be needed.

II. Authority and Regulations

BOEM has statutory obligations under the Outer Continental Shelf Lands Act (43 USC § 1337(p)) to protect the environment and conserve natural resources of the OCS. Additionally, BOEM has statutory obligations under NEPA, ESA, and the Migratory Bird Treaty Act. Under BOEM's regulations, a plan (SAP, COP, or GAP) must describe biological, social, and economic resource information potentially affected by activities proposed in the SAP, COP, or GAP (see SAP–30 CFR 585.610(b)(5), 585.611(a),(b)(3), (5) and (7); COP–30 CFR 585.626(a)(3), 585.627(a)(3), (5), and (7); and GAP – 30 CFR 585.645(a)(5), 585.646(c), (e) and (g)). BOEM also has a memorandum of understanding (MOU) with the U.S. Fish and Wildlife Service (FWS) describing how both agencies will work together in the implementation of Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*. The MOU identifies specific areas in which cooperation between BOEM and FWS will substantially contribute to conservation and management of migratory birds and their habitats, many of which are supported by these guidelines. The MOU can be viewed at: http://www.boem.gov/Renewable-Energy-Program/MMS-FWS MBTA MOU 6-4-09-pdf.aspx.

To evaluate impacts to biological, social, and economic resources, BOEM and its Federal consulting partners under the aforementioned statutes (FWS and National Marine Fisheries Service [NMFS]) require sufficient baseline information on the potentially affected area. These guidelines are meant to clarify and provide a general understanding of information which BOEM, in consultation with FWS and NMFS, requires to adequately address impacts of offshore renewable energy projects on biological, social, and economic resources. BOEM will review the submitted SAP, COP, or GAP and associated information to determine if it contains necessary

information to conduct BOEM's technical and environmental reviews. Upon completion of BOEM's technical and environmental reviews, BOEM may approve, approve with modifications, or disapprove.

Elements of these guidelines may be required as terms and conditions of a specific lease or grant. A lease or grant may also have different requirements from those discussed in these guidelines. Lessees or grantees should be aware that if these guidelines conflict with conditions in a lease or grant, the lessee or grantee must comply with the terms of their lease or grant.

III. Early Coordination with BOEM

BOEM recommends meeting early in the process, ideally three years before COP submission, to discuss BOEM's potential information needs. Early coordination allows for BOEM and the lessee to discuss common goals and expectations prior to mobilization of a biological survey. BOEM firmly believes maintaining an early and open dialogue with the lessee is critical to timely, comprehensive execution of a biological survey. Engaging in discussions with other agencies (e.g., FWS) and concerned parties as early as possible will also help resolve any issues that may arise. The lessee is advised to resolve any technical issues that may be in dispute with other agencies prior to submitting their final plans to BOEM. BOEM may determine it is prudent for a developer to resurvey some or all of the lease area in the event survey results are insufficient.

BOEM strongly recommends a pre-survey meeting. This meeting may include, but is not limited to, discussions regarding:

- applicability of existing data;
- survey logistics (proposed survey area, dates, times, survey period length, weather limitations, etc.);
- field techniques and equipment to be utilized/specifications of data acquisition systems;
- data to be acquired;
- data processing and analysis; and
- data and information to be submitted.

IV. Survey Methodology

An avian survey plan that satisfies all of the parties' needs is an important first step towards a successful biological survey. In developing an avian survey plan, a review of previous investigations, such as other biological survey efforts of the area, can be helpful to a lessee in selecting equipment, and in choosing the sampling and analytic approaches.

The amount of new information collected should match the scale and/or complexity of the proposed project. For example, a project involving the installation of wind energy turbines may need additional site-specific survey work prior to the submittal of a plan to build the energy generating structures.

The lessee should employ the appropriate equipment and analytical techniques for all surveys. BOEM encourages the lessee to review the Developing Environmental Protocols and Modeling Tools to Support Renewable Energy and Stewardship (McCann, 2012) to assist in determining the most appropriate protocols for the proposed project: http://www.data.boem.gov/PI/PDFImages/ESPIS/5/5208.pdf (see Appendix 1 for other sources of information on the Atlantic and Pacific OCS).

Given that the distribution and abundance of many avian marine species are known to change under ambient conditions, multiple survey visits are often needed to establish a baseline characterizing the species' distribution in space and time. On the Atlantic OCS, analyses of temporal variability suggests that most inter-annual variance in relevant environmental conditions for seabird occurrence and abundance (sea surface temperature and surface chlorophyll concentration from satellite remote sensing), and in relative abundance of birds observed in BOEM lease blocks, will be captured by surveys spread over two to three years (Kinlan et al., 2012).

In some cases:

- The area affected could have sufficient information to establish a baseline from previous study efforts. In such a case, fewer (if any) additional surveys may be needed to establish a baseline. As a first step, BOEM recommends examining environmental assessments, maps predicting the distribution and relative abundance of 40 seabird species on the Atlantic OCS by Kinlan et al. (2016) at http://www.northeastoceandata.org, and examining past survey efforts in the area of interest to determine whether there is sufficient baseline information. A similar modeling effort is currently in development for the Pacific OCS.
- It may be necessary to expand the survey area beyond the project area to aid in the interpretation of survey results and to improve confidence estimates (Ib Peterson, pers. comm.), or to use control sites to assess post-construction effects.

These situations, and justifications for the lessee's survey effort, should be discussed with BOEM on a case-by-case basis during the pre-survey planning and coordinating phase.

According to 30 CFR 585.610(a)(8) and 30 CFR 585.626(b)(15) lessees must submit with SAPs and COPs "proposed measures for avoiding, minimizing, reducing, eliminating, and monitoring environmental impacts." Lessees and grantees need to consider these future monitoring and mitigation measures, and submit them in a post-construction monitoring plan in their COP. A monitoring plan may include post-construction surveys to assess significant impacts of post-construction operations to a species, or impacts that may be associated with a phased buildout of a project. In such cases, the baseline information and post-construction survey effort must have the statistical power to detect a significant impact. Peterson et al. (2011) provides an example of an analytic approach that was used to assess displacement using pre- and post-construction survey data.

Boat-based and Traditional Aerial Surveys

Boat-based surveys and aerial surveys are examples of common methods used to characterize the spatial distribution and abundance of avian species on the OCS. Boat-based surveys allow for a fine level of detail, but can be expensive, slow, and require more time to cover a large geographical area. Aerial surveys allow for more coverage of a larger geographic area in a shorter period of time. However, traditional aerial surveys do not always allow for identification to the species level, and can cause disturbance at low altitudes. In addition, when there are large numbers of birds, observers are likely to miss birds and would be unable to get an accurate count. Tables 1 and 2 provide general guidance for conducting and presenting results from preand post-construction boat and traditional aerial surveys.

Table 1
Boat-based Surveys for Projects Requiring a Construction and Operations Plan

Focus	Determine spatial temporal distribution and abundance and behavior of avian species.	
Timing	Two annual cycles of surveys to capture inter-annual variation in counts. Additional surveys may be needed to fill in temporal or spatial gaps from preliminary investigations (e.g., to complete an annual cycle; to increase spatial certainty; to capture a specific migration period). Additional surveys may be needed if initial surveys were poorly executed or if conditions have changed since initial surveys were conducted (e.g., El Nino).	
Scope	 Surveys should be collected in a manner presentable in a geo-spatial database. Surveys should be conducted in all seasons in which the species of interest are present. Surveys should be conducted monthly in an effort to capture the peak annual abundance; however, surveys may be conducted less frequently if peak use times are known. For commercial wind projects, all blocks where development is proposed should be surveyed, plus a buffer > 1 nautical mile (nmi) to reduce edge effects. 	
Technical Suggestions	however, surveys may be conducted less frequently if peak use times are known. For commercial wind projects, all blocks where development is proposed should be surveyed,	
Presentation of Results	 standard errors, and 95% confidence intervals. Provide spatially-explicit density estimates and associated variance (95% confidence intervals) by species/taxonomic groups in map and tabular formats. Provide the distribution of flight heights for each species. 	

Table 2
Traditional Aerial Surveys for Projects Requiring a Construction and Operations Plan

Focus	Determine spatial temporal distribution and abundance of avian species.		
Timing	Two annual cycles of surveys to capture inter-annual variation in counts. Additional surveys may be needed to fill in temporal or spatial gaps from preliminary investigation (e.g., to complete an annual cycle; to increase spatial certainty; to capture a specific migration period). Additional surveys may also be needed if initial surveys were poorly executed or if conditions have changed since initial surveys were conducted (e.g., El Nino).		
Scope	Surveys should be collected in a manner presentable in a geo-spatial database. Surveys should be conducted in all seasons in which the species of interest are present. Surveys should be conducted monthly in an effort to capture the peak annual abundance; however, surveys may be conducted less frequently if peak use times are known. Survey area should include the entire proposed survey area and a buffer >1 nmi to reduce edge effects.		
Technical Suggestions	 Use a twin engine aircraft or other suitable aircraft to ensure safety and endurance (e.g., single engine Kodiaks). Select a high winged aircraft with excellent all around visibility. Use line-transect sampling method. Transects should be orientated perpendicular to the coast and spaced 3 kilometers (km) apart. Implement measures to minimize glare. Weather conditions before take-off and at start of survey should be: sea state <3 Beaufort, absence of rain or fog, visibility >10 km. Ideally, the plane may fly between 150-200 km/hr at an altitude ranging from 75-100 m. However, to satisfy safety concerns, flights at altitudes of 140-180 m may be conducted without impacting the detection of birds >40 centimeters (cm) in body length (Certain & Bretagnolle, 2008). These ranges in altitude and speed may minimize disturbance to birds (Perkins et al., 2004; Certain & Bretagnolle, 2008) while clearing wind turbine blades. Conduct multiple surveys at different times of day to capture potential peak numbers of birds. To count as independent, surveys of the same location should take place three or more days apart (Kinlan et al., 2012). Record altitude, cloud cover, sea state, and glare (i.e., % area obscured by glare on the surface of water) every 10 minutes during survey. Two qualified biologists specializing in seabirds will scan a fixed width 150 m transect on either side of the plane (Certain & Bretagnolle, 2008; Paton et al., 2010). Collect the appropriate data so distance sampling techniques can be used to correct for birds missed at greater distances from the plane (see Buckland et al., 2001). At each new sighting along transect, record GPS position, time, number of birds, and behavior (e.g. feeding, flying, or resting). Identify each bird to species, but if this cannot be done, then identify taxonomic group. Account for detectability. To estimate the density and abundance for each species viewed on water, use distance data coll		
Presentation of Results	Provide spatially-explicit density estimates and associated variance (95% confidence intervals) by species/taxonomic groups in map and tabular formats.		

Digital Aerial Surveys

Digital aerial survey methods are replacing traditional aerial survey methods for assessing the impact of wind energy on seabirds in United Kingdom waters (Thaxter & Burton, 2009). There are advantages in using digital aerial survey methods over other methods. For example, digital aerial survey methods are much safer to conduct than traditional aerial surveys. The surveys are less likely to disturb birds because the planes fly at a higher altitude (>300 m). Additionally, counts and species identified from digital surveys can be validated. Table 3 provides general guidance for conducting and presenting results from pre- and post-construction digital aerial surveys.

BOEM recommends using similar methodologies for pre- and post-construction surveys to assess impacts, as estimates may vary among methodologies. For example, abundance estimates from traditional aerial surveys can be lower than estimates obtained from digital stills and video (Buckland et al., 2012). See Thaxter and Burton (2009), McCann et al. (2012) Normandeau (2012), and Williams et al. (2015) for comparisons between methodologies.

Table 3
High-resolution digital aerial surveys for projects requiring a COP

Focus	Determine spatial temporal distribution and abundance of avian species.	
Timing	Two annual cycles of surveys to capture inter-annual variation in counts. Additional surveys may be needed to fill in temporal or spatial gaps from preliminary investigation (e.g., to complete an annual cycle; to increase spatial certainty; to capture a specific migration period). Additional surveys may also be needed if initial surveys were poorly executed or if conditions have changed since initial surveys were conducted (e.g., El Nino).	
Scope	Surveys should be collected in a manner presentable in a geo-spatial database. Surveys should be conducted in all seasons in which the species of interest are present. Surveys should be conducted monthly in an effort to capture the peak annual abundance; however, surveys may be conducted less frequently if peak use times are known. Survey area should include the entire proposed survey area and a buffer >1 nmi to reduce	
Technical Suggestions	 Survey area should include the entire proposed survey area and a buffer >1 nmi to reduce edge effects. Twin engine aircraft or other suitable aircraft to ensure safety and endurance (e.g., single engine Kodiaks). Use an appropriate sampling method (e.g., strip-transect or grid) and plan to cover the entire survey area in a single day. Imaging should cover at least 10-20% of the survey area (Thaxter & Burton, 2009; Normandeau, 2012). Conduct surveys when the sea state is ≤4 Beaufort, and in absence of rain, low elevation clouds, and fog to ensure birds are not missed and can be identified (Thaxter & Burton, 2009). Implement measures to minimize glare. The plane may fly between 220-350 km/hr and at minimum flight height of 300-600 m (Thaxter & Burton, 2009; Normandeau, 2012; Ross et al., 2016). Conduct multiple surveys at different times of day to capture potential peak numbers of birds. To count as independent, surveys of the same location should take place three or more days apart (Kinlan et al., 2012). Color images should be used in all surveys with an image resolution of 2 cm Ground Sample Distance, or finer (Normandeau, 2012). Record altitude, cloud cover, sea state, and glare for each image (see Normandeau, 2012). Identify each bird to species; if this cannot be done then identify taxonomic group. Qualified biologists specializing in seabirds should assess images independently, and all images must be audited by an expert (see Buckland et al., 2012). For each target, record the X,Y coordinates, species id, behavior (e.g. feeding, flying, or resting), and for flying targets record flight height and heading. 	
Presentation of Results	 Provide spatially-explicit density estimates and associated variance (95% confidence intervals) by species/taxonomic groups in map and tabular formats. Provide the distribution of flight heights for each species. 	

V. Survey Results and Supporting Data

BOEM strongly recommends the lessee provide quarterly and annual progress reports to assist BOEM in tracking the progress and implementation of surveys, and to evaluate the quality of environmental information collected. By providing these reports, BOEM can ensure survey data and information included is sufficient to meet the information requirements of a COP or other plan. The data contained in these reports may also be used to develop appropriate avoidance, minimization, and mitigation measures to avian species. BOEM may share these reports with other agencies (e.g., FWS, NMFS, and National Park Service).

Quarterly Progress Reports

These progress reports should highlight survey findings and include (at a minimum):

- number of surveys conducted, dates, start and end times, weather conditions;
- number of birds by species/taxonomic group;
- maps and spatial data showing the locations of birds and actual survey route (see Spatial Data Submission Guidelines at http://www.boem.gov/Renewable-Energy-Program/Regulatory-Information/Index.aspx);
- the status of data processing, error checking, and analysis; and
- planning efforts for upcoming avian surveys and related study efforts.

Comprehensive Annual Report

The purpose of the annual report is to present results (trends and patterns) of the cumulative survey efforts from the current and previous years. The report should provide an evaluation of the effectiveness of survey techniques and include any refinements for the coming year. The report should also include a schedule of reports and efforts for the upcoming years. In addition, the report should discuss results of other efforts (previous and current) and how they relate and inform the findings.

Data Collection and Management

BOEM recommends that all data be processed, validated, and made available as needed to BOEM. To improve data standardization among entities collecting data and work flow, BOEM funded the development of the mobile application for collecting data during bird surveys called SeaScribe for Android and iOS platforms (Gilbert et al., 2016). The SeaScribe application can be downloaded at:

- https://play.google.com/store/search?q=seascribe&c=apps; or
- https://itunes.apple.com/in/app/seascribe/id1084264780?mt=8.

BOEM recommends uploading survey data into the Northwest Atlantic Seabird Catalog that is managed by FWS (formally known as the Compendium of Avian Occurrence Information for the Continental Shelf Waters (O'Connell et al., 2009)), the Ocean Biogeographic Information System Spatial Ecological Analysis of Megavertebrate Populations (http://seamap.env. duke.edu/), Avian Knowledge Network (http://www.avianknowledge.net/), the National Oceanographic Data Center (http://www.nodc.noaa.gov/), or other archive for future study.

VI. Guidance Document Statement

BOEM issues guidance documents to clarify, supplement, and provide more detail about certain BOEM regulatory requirements and to outline information required of the lessee to support their various submittals. This guidance document sets forth a policy and an interpretation of a regulatory requirement to provide a clear and consistent approach to complying with that requirement. A lessee may use an alternate approach for compliance; however, early and frequent coordination with BOEM will be especially critical to ensure the work conducted meets BOEM's regulatory requirements.

VII. Paperwork Reduction Act Statement

The information collection provisions of this document are intended to provide clarification, description, or interpretation of requirements contained in 30 CFR 585 Subpart F. The Office of Management and Budget (OMB) has approved the information collection requirements for these regulations and assigned OMB Control Number 1010-0176.

VIII. Contact Information

For further information or inquiries regarding these guidelines, please contact the Office of Renewable Energy Programs at (703) 787-1340 or renewable_reporting@boem.gov.

IX. References

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- Phase I Report. U.S. Department of the Interior, Bureau of Ocean Energy Management, Office of Renewable Energy Programs, Sterling, VA. OCS Study BOEM 2016-039. xvii+109 pp. http://www.data.boem.gov/PI/PDFImages/ESPIS/5/5512.pdf
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Appendix 1. Resources for Avian Occurrence on the Atlantic and Pacific OCS. See http://www.boem.gov/Renewable-Energy-Environmental-Studies/ for the most recent list of ongoing and completed studies related renewable energy.

Avian and Bat Distribution	Links
Briggs, K.T., W.B. Tyler, D.B. Lewis, and D.R. Carlson. 1987. Bird communities at sea off California: 1975 to 1983. Studies in Avian Biology 11:1-74.	Report https://sora.unm.edu/sites/default/files/journals/sab/sab_011.p df
Costa, B.M. and M.S. Kendall (eds.). 2016. Marine Biogeographic Assessment of the Main Hawaiian Islands. Bureau of Ocean Energy Management and National Oceanic and Atmospheric Administration. OCS Study BOEM 2016-035 and NOAA Technical Memorandum NOS NCCOS 214. 359 pp.	Report http://www2.coastalscience.noaa.gov/publications/handler.asp x?key=9208 Data Products http://data.nodc.noaa.gov/cgi- bin/iso?id=gov.noaa.nodc:0155189
Kinlan, B.P., A.J. Winship, T.P. White, and J. Christensen. 2016. Modeling At-Sea Occurrence and Abundance of Marine Birds to Support Atlantic Marine Renewable Energy Planning: Phase I Report. U.S. Department of the Interior, Bureau of Ocean Energy Management, Office of Renewable Energy Programs, Sterling, VA. OCS Study BOEM 2016-039. xvii+109 pp.	Report http://www.data.boem.gov/PI/PDFImages/ESPIS/5/5512.pdf Report Appendices and Data Products https://coastalscience.noaa.gov/projects/detail?key=279 Bird Maps http://www.northeastoceandata.org/data-explorer/?birds http://midatlanticocean.org/data-portal/
Mason, J.W., G.J. McChesney, W.R. McIver, H.R. Carter, J.Y. Takekawa, R.T. Golightly, J.T. Ackerman, D.L. Orthmeyer, W.M. Perry, J.L. Yee, M.O. Pierson, and M.D. McCrary. 2007. At-sea distribution and abundance of seabirds off southern California: a 20-year comparison. Studies in Avian Biology 33: 1-101.	Report http://www.werc.usgs.gov/ProductDetails.aspx?ID=3480
Menza, C., J. Leirness, T. White, A. Winship, B. Kinlan, L. Kracker, J. E. Zamon, L. Ballance, E. Becker, K. A. Forney, J. Barlow, J. Adams, D. Pereksta, S. Pearson, J. Pierce, S. Jeffries, J. Calambokidis, A. Douglas, B. Hanson, S. R. Benson and L. Antrim. 2016. Predictive Mapping of Seabirds, Pinnipeds and Cetaceans off the Pacific Coast of Washington. NOAA Technical Memorandum NOS NCCOS 210. Silver Spring, MD. 96 pp.	Report http://www2.coastalscience.noaa.gov/publications/handler.asp x?key=9170 Data Products http://data.nodc.noaa.gov/cgi- bin/iso?id=gov.noaa.nodc:148762

O'Connell, A.; Spiegel, C.; Johnson, S. 2011. Compendium of Avian Occurrence Information for the Continental Shelf Waters along the Atlantic Coast of the United States: Final Report (Database Selection - Shorebirds). Report by Bureau of Ocean Energy Management (BOEM) and U.S. Fish and Wildlife Service (USFWS). pp 41.	Report http://www.data.boem.gov/PI/PDFImages/ESPIS/5/5193.pdf
O'Connell, A. F., B. Gardner, A. T. Gilbert, and K. Laurent, 2009, Compendium of Avian Occurrence Information for the Continental Shelf Waters along the Atlantic Coast of the United States, Final Report (Database Section - Seabirds). Prepared by the USGS Patuxent Wildlife Research Center, Beltsville, MD. U.S. Department of the Interior, Geological Survey, and Bureau of Ocean Energy Management Headquarters, OCS Study BOEM 2012-076.	Report http://www.data.boem.gov/PI/PDFImages/ESPIS/5/5209.pdf
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