



IDAHO SOIL & WATER CONSERVATION COMMISSION

REGULAR MEETING NOTICE & AGENDA

Idaho Soil & Water Conservation Commission

November 15, 2022, 1:00 p.m. to 4:00 p.m. MT

Location: Burley Best Western Inn & Convention Center, Perkins Orange Room

800 N. Overland Ave., Burley, ID 83318

ZOOM TELEPHONE DIAL-IN # 1-253-215-8782

[ZOOM Meeting Link](#)

Zoom Meeting ID: 893 8792 9392 Zoom Passcode: 916751

*Please note that the toll free teleconference number is no longer supported by the state's phone provider. The Commission will be using the Zoom Dial In option for Teleconferencing going forward. Please follow the prompts when connecting to the meeting. You will need the Meeting ID and Passcode to connect to the correct meeting. We apologize for any inconvenience.

Members of the public may address any item on the Agenda during consideration of that item. Those wishing to comment on any agenda item are requested to so indicate on the sign-in sheet in advance. Copies of agenda items, staff reports and/or written documentation relating to items of business on the agenda are on file in the office of the Idaho Soil & Water Conservation Commission in Boise. Upon request, copies can be emailed and will also be available for review at the meeting.

The Commission will occasionally convene in Executive Session, pursuant to Idaho Code § 74-206(1). Executive Session is closed to the public.

AMERICANS WITH DISABILITIES ACT COMPLIANCE

The meeting will be held in facilities that meet the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations to attend, participate in, or understand the meeting, please contact the Idaho Soil & Water Conservation Commission at (208) 332-1790 or Info@swc.idaho.gov so advance arrangements can be made.

1.	WELCOME, SELF-INTRODUCTIONS, AND ROLL CALL	Chairman Wright
* 2.	AGENDA REVIEW (potential action item) The Agenda may be amended by formal Board action, if necessary, at the meeting. If so, a motion that states the reason for the amendment and the good faith reason the item was not included in the original agenda will be made and approved by the Board.	Chairman Wright
3.	PARTNER REPORTS (information only)	
ACTION ITEMS		
*# 4.	REPORTING SUSPICIOUS ACTIVITY <ul style="list-style-type: none">Review policy regarding the reporting of suspicious activity. ACTION: Adopt Reporting Suspicious Activity Policy as presented or as amended.	Trefz, Bell
NON-ACTION ITEMS		
5.	STATUS OF IDAHO CONSERVATION DISTRICTS ACTION: For information only.	Bell

(*) Action Item

(#) Attachment

ACTION: Staff recommended action for Commission consideration

Tuesday, November 15, 2022 Meeting Agenda

Date of Notice: November 9, 2022

6.	FISCAL OFFICE REPORT <ul style="list-style-type: none"> Budget to Actual Financial Statements Other Financial Reporting FY 2024 Budget Request Update <u>ACTION:</u> For information only.	Ziegler
7.	ADMINISTRATOR'S REPORT <ul style="list-style-type: none"> National Association of State Conservation Agencies (NASCA) Annual Meeting Water Quality Program for Agriculture (WQPA) Update Electronic Funds Transfer (EFT) Adoption Idaho Transportation Department (ITD) Fuel Update on Work with Steve Stuebner to Develop Outreach Materials Upcoming Commission Meeting Schedule <u>ACTION:</u> For information only.	Trefz
8.	REPORTS <i>Commissioners and staff only, no discussion</i> <u>ACTION:</u> For information only.	Commissioners, Staff
ADJOURN <i>The next Regular Commission Meeting will be on January 19, 2022, at 10:00 AM MT in Boise, Idaho.</i>		



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Secretary

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Joan Cloonan
Commissioner

Karen Sharpnack
Commissioner

Richard Savage
Commissioner

Delwyne Trefz
Administrator

MEMO

**TO: CHAIRMAN WRIGHT AND COMMISSIONERS OLSON, PRATT,
BECKER, CLOONAN, SHARPBACK, AND SAVAGE**
**FROM: DELWYNE TREFZ, ADMINISTRATOR; SHANE BELL, DEPUTY ATTORNEY
GENERAL**
DATE: NOVEMBER 7, 2022
RE: REPORTING SUSPICIOUS ACTIVITY

POLICY REGARDING THE REPORTING OF SUSPICIOUS ACTIVITY

We, the Idaho Soil & Water Conservation Commission, do not currently have a policy which provides clear guidance related to how, when, and to whom employees should report instances of suspicious activity. To ensure any suspicious activity encountered by agency employees is handled in a uniform and consistent manner, staff have worked with our Deputy AG to develop the attached "Draft 'Reporting Suspicious Activity' Policy".

Deputy AG Shane Bell will be present at your Nov 15th Board meeting to provide a legal background to the development of this draft policy.

If adopted, this policy will be added to our Employee Handbook in the section titled "Policies Related to Workplace Conduct".

RECOMMENDED ACTION: Adopt Reporting Suspicious Activity Policy as presented or as amended.

ATTACHMENT: Draft Reporting Suspicious Activity Policy

DRAFT 'REPORTING SUSPICIOUS ACTIVITY' POLICY

If you encounter an instance or activity which you suspect may involve fraud, embezzlement, or another form of theft or waste of public funds, contact the Administrator immediately and provide any documents, recordings, or other materials you have regarding the subject. If you suspect that the Administrator is involved in any of the activities mentioned above, contact a Commissioner of the ISWCC. Except as otherwise required by law, all information received while reviewing and investigating the suspicious activity will be kept confidential, including the names of those involved in reporting and conducting the suspicious activity. Intentional destruction or concealment of any information related to the suspicious activity is prohibited. The ISWCC cannot take any adverse action against an employee because the employee, in good faith, communicates the existence of a violation or suspected violation of law, rule, or regulation. I.C. § 6-2104(1)(a). Refer to Idaho's Protection of Public Employees Act for more information.

Upon receiving a report of suspicious activity, the Administrator will review the information upon which the suspicions are based and inform the Attorney General's Office about the matter. Should a Commissioner receive a report of suspicious activity regarding the Administrator, the Commissioner shall contact the Attorney General's Office immediately for further investigation.

Following the Administrator's review, the ISWCC may conduct an initial inquiry into the matter, or the matter may be assigned to an outside investigator, such as the Attorney General's Office. If the Administrator chooses to conduct an initial inquiry, he/she shall provide regular updates to the Office of the Attorney General regarding the investigation. The Administrator will not require the reporting party to confront the party(ies) responsible for the suspicious activity during the ISWCC's inquiry.

As part of an initial inquiry, the Administrator may schedule meetings with any combination of the following possible participants, so long as the anonymity and confrontation policies described above are adhered to:

1. A Commissioner(s) of the ISWCC;
2. The Administrator of the ISWCC;
3. The ISWCC staff person who encountered the suspicious activity; and/or
4. The party(ies) involved in the suspicious activity, (e.g., if an SWCC staff person, then the staff person and their supervisor; if a Conservation District, then the supervisors and relevant staff of the District).

Should the Administrator determine during his/her initial inquiry that the reported activity was the result of a mistake or oversight, the Administrator, after conferring with the Attorney General's Office, may correct the mistake or oversight and require the

party(ies) responsible to complete additional training to avoid the same occurrence(s) in the future.

However, if the party(ies) involved are unable to satisfactorily explain the suspicious activity to the Administrator, choose not to respond to the Administrator's questions related to the suspicious activity, or if the Administrator has reason to believe that a law, rule, or regulation was violated, the matter will be turned over to the Attorney General's Office for further investigation and proceedings. In the event that the Attorney General's Office assumes control over the investigation of the suspicious activity, the Administrator, so long as he/she is not involved in the reported suspicious activity, will remain in regular contact with the Attorney General's Office regarding the investigation to the extent allowed by law.

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**TO: CHAIRMAN WRIGHT AND COMMISSIONERS PRATT, OLSON, BECKER,
SHARPKNACK, CLOONAN AND SAVAGE**
FROM: DELWYNE TREFZ, ADMINISTRATOR
DATE: NOVEMBER 7, 2022
RE: LEGAL STATUS OF IDAHO CONSERVATION DISTRICTS

BACKGROUND

Several Idaho conservation districts utilize Bonneville Power Administration (BPA) and Pacific Coastal Salmon Recovery Fund (PCSRF) funds to implement projects that address anadromous fish habitat. In some cases, a conservation district applies for and is awarded a PCSRF grant by itself. In other cases, the Idaho Office of Species Conservation (IOSC) receives the PCSRF grant and awards subgrants to eligible entities such as conservation districts.

When a conservation district receives PCSRF funds directly, their financial assistance agreement with BPA is subject to the Bonneville Financial Assistance Instructions (BFAI), which does not require that procurement standards include a requirement that projects be put out to competitive bid. Therefore, when using their own BPA funds conservation districts are free to pay participating landowners for project related work completed by the landowners and are not required to put the work out for competitive bid.

The OSC's agreement with BPA is subject to the Bonneville Purchasing Instructions (BPI) and to federal regulations under 2 CFR 200. Both the BPI and 2 CFR 200 require that procurement be done by competitive bid. These requirements for competitive bid extend to non-State subrecipients of OSC's BPA and PCSRF funding. For purposes of administering PCSRF funding, State recipients generally include executive departments, e.g., IDL, IDFG, IDWR.

Per OSC's interpretation of 2 CFR 200, conservation districts most appropriately fall under the definition of a "local government" either as a special district, intrastate district, or as "any other agency or instrumentality of a multi-, regional, or intra-state or local government." Because the CFR definition of "State" expressly states that it is "exclusive of local governments", OSC's position is that a conservation district doesn't qualify as a state for the purposes of the PCSRF program. Therefore, any work paid for by BPA or PCSRF funds a district receives as a subrecipient of an OSC grant must follow the CFR requirements, including using a competitive bidding process for procurement. Regardless of whether a participating landowner is willing and able to complete project work using their own equipment and labor, they are required to develop a bidding process consistent with 2 CFR 200 and solicit bids from other contractors.

Deputy AG Shane Bell has reviewed the status of conservation districts in Idaho Code and under 2 CFR 200 and will present his findings during your Nov 15th Board meeting.

RECOMMENDED ACTION: For information only.

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IDAHO SOIL & WATER CONSERVATION COMMISSION

ITEM #6

TO: CHAIRMAN WRIGHT AND COMMISSIONERS PRATT, OLSON, BECKER, CLOONAN, SHARPBACK, AND SAVAGE
FROM: MELONIE ZIEGLER, FISCAL AND HR MANAGER
DATE: NOVEMBER 9, 2022
RE: FISCAL OFFICE REPORT

The schedules below are the Budget to Actual Expenditures for September and October FY2023 for the Commissions General Fund and the Resource Conservation & Rangeland Development Fund (RCRDP)

FY2023 - Budget to Actual Expenditures For Month Ending - October, 2022							
GENERAL FUND							
				Year to-date 33%			
Object	Expenditure Type	Budget	September	October	Year to-date Total	Available Balance	% Budget Expended
4000	Personnel TOTALS	1,391,200	143,951.18	101,857.05	442,794.45	948,405.55	31.83%
5001	Communication Costs	13,000	1,377.18	-	2,569.13	10,430.87	19.76%
5051	Employee Development Costs	3,500	270.00	2,279.40	2,592.62	907.38	74.07%
5101	General Services	10,000	108.56	4.56	227.58	9,772.42	2.28%
5151	Professional Services	13,000	450.00	1,000.00	1,900.00	11,100.00	14.62%
5201	Repair & Maintenance Services	7,000	77.46	654.98	1,322.20	5,677.80	18.89%
5301	Computer Services	48,000	0.84	0.54	1.53	47,998.47	0.00%
5351	Employee Travel Costs	14,300	833.54	1,392.94	3,360.27	10,939.73	23.50%
5401	Administrative Supplies	2,500	47.25	162.19	782.91	1,717.09	31.32%
5451	Fuel & Lubricants Costs	15,000	1,927.15	1,702.33	7,328.38	7,671.62	48.86%
5551	Computer Supplies	7,000	643.71	19.52	892.23	6,107.77	12.75%
5601	Repair & Maintenance Supplies	2,000	-	23.60	38.59	1,961.41	1.93%
5701	Specific Use Supplies	800	150.72	-	150.72	649.28	18.84%
5751	Insurance	6,700	-	-	6,697.44	2.56	99.96%
5901	Rentals & Operating Leases	38,000	31,739.75	172.83	32,025.42	5,974.58	84.28%
5961	Miscellaneous Expenditures	25,800	25,668.56	-	26,134.34	(334.34)	101.30%
5000	Operating TOTALS	206,600	63,294.72	7,412.89	86,023.36	120,576.64	41.64%
6000	Capital Outlay (Encumbrance FY22)	10,920	7,699.98		7,699.98	3,220.02	70.51%
7601	District Base Allocation	425,000			425,000.00	-	100.00%
7601	District Operating Allocation	300,000			300,000.00	-	100.00%
7601	District Match Allocation	783,400	62,731.22	720,668.78	783,400.00	-	100.00%
7601	CREP Direct Payments	264,000			-	264,000.00	0.00%
7000	Trustee & Benefits TOTALS	1,772,400	62,731.22	720,668.78	1,508,400.00	264,000.00	85.10%

FY2023 - Budget to Actual Expenditures							
For Month Ending - October, 2022							
RESOURCE CONSERVATION & RANGELAND DEVELOPMENT PROGRAM (RC					Year to-date	33%	
Object	Expenditure Type	Budget	September	October	Year to-date Total	Available Balance	% Budget Expended
4000	Personnel TOTALS	191,700	20,172.86	14,335.78	61,693.36	130,006.64	32.18%
5001	Communication Costs	5,000	385.50	-	719.39	4,280.61	14.39%
5051	Employee Development Costs	3,000	180.00	569.60	749.60	2,250.40	24.99%
5101	General Services	35,000	213.49	172.34	707.17	34,292.83	2.02%
5151	Professional Services	15,000	350.00	1,000.00	1,700.00	13,300.00	11.33%
5201	Repair & Maintenance Services	7,000	24.03	35.46	75.84	6,924.16	1.08%
5251	Administrative Services	2,500	-	-	-	2,500.00	0.00%
5301	Computer Services	10,000	-	-	-	10,000.00	0.00%
5351	Employee Travel Costs	18,000	484.23	320.70	947.01	17,052.99	5.26%
5401	Administrative Supplies	1,000	9.96	8.54	111.19	888.81	11.12%
5451	Fuel & Lubricants Costs	2,500	-	-	122.97	2,377.03	4.92%
5551	Computer Supplies	5,000	398.97	2.44	468.52	4,531.48	9.37%
5601	Repair & Maintenance Supplies	1,500	-	-	-	1,500.00	0.00%
5701	Specific Use Supplies	1,500	-	-	-	1,500.00	0.00%
5751	Insurance	6,700	-	-	823.59	5,876.41	12.29%
5901	Rentals & Operating Leases	28,300	14,638.65	76.42	14,771.49	13,528.51	52.20%
5961	Miscellaneous Expenditures	18,000	3,183.59	-	3,183.59	14,816.41	17.69%
5000	Operating TOTALS	160,000	19,868.42	2,185.50	24,380.36	135,619.64	15.24%
6000	Capital Outlay	3,200	2,566.66	-	2,566.66	633.34	80.21%

OTHER FINANCIAL REPORTING

Brenda Charles our Grants/Contracts Program Specialist is working with me on the RCRDP and the Statewide Accounting and Reporting System (STARS) reconciliation. We are getting close in identifying and making the necessary adjustments to reconcile both systems. Once the adjustments are complete, I will provide a summary report and new financial reports related to the RCRDP Loan program.

FY 2024 BUDGET REQUEST

The Commission's FY 2024 Budget Request is a work-in-process for me and Delwyne and with both the Division of Financial Management (DFM) and Legislative Services Office (LSO).

RECOMMENDED ACTION: For Information Only

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**TO: CHAIRMAN WRIGHT AND COMMISSIONERS OLSON, PRATT,
BECKER, CLOONAN, SHARPNACK, AND SAVAGE**
FROM: DELWYNE TREFZ, ADMINISTRATOR
DATE: NOVEMBER 7, 2022
RE: ADMINISTRATOR'S REPORT

National Association of State Conservation Agencies (NASCA) Annual Meeting

Attending the NASCA annual meeting in Nashville was a rewarding experience. Along with participants from the conservation agencies in approximately 35 states I did a lot of networking and relationship building and was fortunate enough to hear up to the minute perspectives on the current condition and prospects of voluntary natural resources conservation from leaders in the field. Speakers included NACD President Michael Crowder, NCDEA President Rhonda Kelsch, NARC&D President William Hodge, and Astor Boozer, NRCS Regional Conservationist for the West Region.

While the guest speakers were interesting and informative, my most valuable take aways were ideas I picked up during the field staff sharing sessions. During these sessions agency staff presented details of conservation programs they are implementing in their states. For example, folks from Arkansas described their successful efforts to facilitate the sharing of an office manager between multiple districts, South Carolina shared their newly redesigned Conservation Districts Annual Report, and Washington presented their Shrub Steppe Initiative & Fire Recovery Program. I will be reaching out to several the presenters to learn how their programs might be adapted to benefit Idaho.

During the NASCA business meeting I was happy to accept the position of Pacific Region Director. The Pacific region includes Idaho, Washington, Oregon, California, Hawaii, and Alaska and as the region director I will work with NASCA leadership to strengthen and maintain effective liaisons between state agencies and their regional partners. I'm not sure exactly what this will look like, but if you hear I'm spending the winter in Hawaii you can safely assume I'm conducting important NASCA business. 😊

Water Quality Program for Agriculture (WQPA) Update

Now that the water is off and harvest is nearly wrapped up, WQPA project implementation is in full swing and over \$220,000 of payments have been disbursed. It appears that most projects your board approved are on track to be completed by our June 1st, 2023, deadline. Loretta has taken over most of the administrative tasks associated with WQPA and is currently working with our field staff and districts to get an accurate status report on each project.

Electronic Funds Transfer (EFT) Adoption

During the Fall IASCD Division meetings, staff made a push for districts to adopt EFT as an efficient and safe way for them to receive state funds. Loretta and Melonie did a great job marketing this concept and assisted many districts

with signing up for EFT. In addition, Melonie worked with Rob Sharpnack, our CREP Program Manager, and together they enrolled a great many CREP participants. Disbursing state funds using EFT rather than mailing paper warrants not only makes sure no funds get lost in the mail but also saves the state approximately \$25.00 per disbursement.

Idaho Transportation Department Fuel

Staff contacted Judi Conner, the Fuel Program Coordinator with the Idaho Transportation Department (ITD), to inquire about fueling Commission vehicles at ITD's maintenance sheds. Judi's response included this:

"ITD fuel sites do not exist for cost savings, they exist to get fuel in a timely manner to plow snow and are the state's emergency disaster fuel reserve. Most sites are located in remote locations on the highways and not in towns. Cost saving is minimal and sometimes ITD costs are higher than the commercial sites. ITD purchases the fuel from the same suppliers the convenience stores do and at the same rate. Our contracts state the agreed price with the vendor is the daily published closing rack rate for fuel plus all applicable fuel taxes, transport costs and the agreed upon vendor mark up. Today Gas Buddy shows the cost in city XYZ as \$4/gallon. The ITD shed nearby has a cost of \$3.87. Tomorrow Maverick drops their price to \$3.75 but ITD remains at \$3.87. We have to 'sell' to you at our cost. Until we empty and refill the tank that cost stays at \$3.87 (in some areas for months). We do not publish or post prices. The people onsite do not have price information. Unleaded is purchased with all applicable sales tax (State vehicles are not exempt). Diesel fuel is not taxed. Please work with the Idaho State Tax Commission to determine your fuel tax status.

Are you truly saving money? You travel from Boise to Pocatello. You exit at Twin Falls to get fuel. You pass the Flying J located at the exit. They have an advertised price of \$4/gallon. If you drive 20 minutes each way to the ITD Shoshone yard to fuel a 15 gallon fuel tank and you are paid \$20/hr., with a fueling time of approx. 10 minutes you just added an additional \$20 in labor (round trip to/from the highway) plus the fuel used to drive each way to save 13 cents times 15 gallons, \$1.95 off the price you would have paid at Flying J. Unless your trip takes you directly past an ITD site you are not saving money. And most likely the employee made a stop at the Flying J to get a coffee and use the bathroom because there are no public restrooms at ITD sites. ITD HQ does not direct employees to drive across town to the Orchard site at the end of the airport runway to fuel. We fuel at the Shell station directly across State St. from our former main building.

"Don't plan on sites be accessible.

- We store explosive and hazardous materials at these locations and are required to protect them (and you too). Gates are locked when the employees, AKA the road crews, leave the site to work on the roads. The Boise site at Chinden has opted not to allow non ITD employees access.
- Our equipment is not designed for commercial use. It is slower. It breaks. Sites may be down weeks as we navigate through the states purchasing requirements for parts and repairs.
- Our sites do not have commercial piping where fuel is pushed through the line. Ours operate by drawing fuel through the line. Our UNL pumps vapor lock when the outside temperature reaches approx. 85*. This won't change until the site is rebuilt with a different piping system (no plans to do so at this time)."

Judi provided the above information to make sure our expectations are based on reality. She stated that she sometimes must deal with complaints from agencies who are not realizing the fuel cost savings they had expected and so she is as transparent and honest as possible when responding to inquiries such as ours.

Despite the hassles involved, Judi stated that about 5 state agencies do make some use of the ITD fuel sites. After looking at where ITD maintenance sheds with fuel pumps are located, staff see some opportunities for taking advantage of what savings may be available and will proceed with applying to the state WEX fleet fuel card program for authorization to fuel at the ITD sites.

Update on Work with Steve Stuebner to Develop Outreach Materials

Steve is making good progress on the WQPA-focused video he is creating for us. He reports that due to excellent cooperation and assistance provided by our field staff and the Clearwater and West Cassia conservation districts, the project is coming in under budget. The final footage will be shot in Owyhee County this fall. The full-length video of approximately 10 minutes as well as a condensed version for presentations and posting to social media sites will be ready to go prior to the beginning of the upcoming legislative session.

Steve has also begun work on an informational brochure which will highlight who we are as an agency, what we do, and the invaluable partnerships that enable us to provide conservation assistance to private landowners across Idaho. Melonie and Joe are spearheading this project and working with Steve to produce what will basically serve as an elevator speech in a brochure. Having sat in on this group's initial planning meeting and seeing all the creative energy these three bring to this project, I'm expecting a super impressive product. They've set a December 15th deadline for the completion of a print-ready brochure, so we'll have this ready to go when legislators get to town.

Upcoming Commission Meeting Schedule

Below is the tentative Regular Meetings Schedule through June 2023. In addition to the regular meetings listed below, be aware that IASCD has scheduled their annual Legislative Social for the evening of January 16th, and their Legislative Display Day for Tuesday, January 17th, 2023, and the 2023 Ag Summit is scheduled for February 20-21. If you desire, we can schedule your January board meeting for Tuesday the 17th to give you the opportunity to participate in either or both the IASCD Legislative Social and the Legislative Display Day.

January – June 2023 SWCC Meeting Schedule

Date & Time	Location	Meeting Type*
Jan 19, 2023, 10-3 MT	322 E. Front Street, Suite 560, Boise	Regular
Feb 16, 2023, 10-3 MT	322 E. Front Street, Suite 560, Boise	Regular
Apr 20, 2023, 10-3 MT	322 E. Front Street, Suite 560, Boise	Regular
May 18, 2023, 10-3 MT	322 E. Front Street, Suite 560, Boise	Regular
Jun 22, 2023, 10-3 MT	MT322 E. Front Street, Suite 560, Boise	Regular

*All meetings listed as Regular Meetings should be held in person and/or via video conference (Zoom) and teleconference. If necessary, additional Special Meetings can be added within the proper public meeting noticing requirements.

RECOMMENDED ACTIONS: For information only

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