

ALASKA TROLLER

Newsletter of the Alaska Trollers Association

Spring 2017

Lawsuit Forces NPFMC to Re-Open Salmon FMP

For more than 20 years Cook Inlet gillnetters have fought to defend their industry and way of life. This eroded into a series of legal battles that seek to bring federal oversight to a management program that has often failed Cook Inlet fishermen. Unfortunately, United Cook Inlet Drift Gillnetters Association's (UCIDA) efforts to change, or even eliminate, the North Pacific Fishery Management Council's (Council) Salmon Fishery Management Plan (FMP) could swamp fishermen in Copper River, False Pass, and Southeast. A 9th Circuit Court ruling won by UCIDA has forced the Council to craft regulations for three areas previously removed from the FMP. The ruling is on appeal to the Supreme Court, but has not yet been heard, so the Council must move ahead.

The FMP was established in 1978 under the Magnuson-Stevens Act (MSA), which charged eight management councils with developing fishing plans for species harvested in the Exclusive Economic Zone (EEZ). The 70's was a chaotic decade for trollers. Salmon stocks along the coast were depleted. The state was young and developing its management program and the federal government was taking control of federal waters and ejecting foreign vessels. The Northwest Tribes wanted Alaska brought under the Boldt Decision and discussions had begun that ultimately led to the Baldridge Stipulation and Pacific Salmon Treaty. Limited entry was implemented; power trollers in 1975 - hand trollers not until 1983. From 1960-1977 significant restrictions were put in place by the Board of Fish and Council to protect king salmon; cooperative management was conflicting, acrimonious, and disruptive. Areas were closed and fishing gear was modified or eliminated. ATA supported conservation measures, but questioned some of the biological assumptions, considered some rules unnecessary, and wanted a uniform management program. ATA's team of scientists and attorneys did battle in the regulatory arenas and court. There were successes and failures; dual management prevailed and made for mischief and a lot of frustration as we worked through treaty and allocative changes in the 1980s.

In 1990, the Council deferred management authority to the state. Salmon were doing well in Southeast, largely due to a mature and successful state management program. The Pacific Salmon Treaty and the Endangered Species Act provided ample federal oversight, so the Council agreed to hand over daily management to the state. Only the troll fishery has been managed under the FMP; state management with only occasional Council action has been far better for the fleet.

The FMP has been amended several times, most recently in 2012 (see ATA Fall 2011). Amendment 12 ensured consistency of the FMP with MSA and new requirements for annual catch limits and accountability measures. As part of the FMP review, the Council removed three net areas from the FMP and gave full regulatory authority to the state in those federal waters. While False Pass and Copper River fishermen supported those measures, UCIDA and part of the Cook Inlet fleet did not - they believe federal oversight will improve their situation.

UCIDA filed another lawsuit that asks the court to scrap FMP Amendment 12 and start over. What that could mean is disruption for trollers and no fishing in the EEZ for the three net fisheries until a new plan is finalized. Regional NMFS Director, Jim Balsinger, warned the court of the commotion this could cause and said a new FMP would take at least three years. UCIDA says they no longer support vacating the FMP, but it's unclear whether the case has been dropped.

In April, the Council started plotting a course. A preliminary range of alternatives will be reviewed at the October 2017 meeting and the Council plans to form a stakeholder workgroup. ATA will work with Concerned Area M Fishermen, Copper River District Fishermen United, and others, to keep management in the hands of the state and defend against unanticipated consequences for any fishery under the FMP.



From the Director's Desk . . .

Sometimes decisions come harder than others; there are those rare moments of seemingly perfect clarity offset by times when you know that nothing you do will be 'just right'. The 2017 spring fishery will go down in my personal journal as the latter.

The burning question: Should ATA complain about closures, or support? Should we demand more conservation action in the sport and net fisheries - perhaps insisting they be shut down along with us?

The answer seemed simple to some...*'if we sit out, they should, too!'* Well, the Juneau and Haines anglers did, but the cheery derby atmosphere in other ports just rubbed salt in troller's wounds. A few folks were concerned about what they thought was biased decision-making on the part of ADFG, but most seemed to think total closure for others was a bridge too far. So, what would I do if the decision was mine to make - and what action should I call for on behalf of the fleet? Quite frankly, the 'right' answer still escapes me. ATA must walk a delicate line, supporting conservation in our fishery and calling for an appropriate sharing of the burden in the others; the key word being 'appropriate'. Not all management actions are equal when it comes to saving fish, even when optics might make it appear so.

I gathered information in hopes of seeing a path forward on what is likely be a multi-year problem. In the process, management decisions were questioned and fleet concerns expressed. I asked ADFG to *review management actions ...with an eye towards more equitably distributing the conservation burden amongst the fleets*; and also to liberalize fisheries wherever possible to do so without compromising weak runs. ADFG responded with a rationale for restrictions in the commercial and sport fisheries that was based on best available data and various management goals. This is not to be confused with scads of rock solid information - most ADFG managers will readily admit that more is needed. Nor does it mean that ATA supports all of the stated goals, but at least the conversation has begun.

Southeast king stocks have been strong for decades, so the state has been able to manage them effectively with less data than the current situation demands; dwindling research dollars have been used on more pressing needs, both for the stocks in our region and others around the state. Escapement goals were studied and improved, but understanding migration patterns by stock, with precise estimates of harvest by fleet, has had to wait. ADFG can draw conclusions on 4 of the 34 king rivers from limited tagging data, but troll catches are more heavily sampled than the other fleets, making it difficult to trust that ADFG has a handle on who harvests how many fish, where and when. That said, we can't deny that our own fleet impacts local stocks.

OK, we needed to cut back, but did the other fleets do their share? And where do we go from here? I'm still puzzling with my final answers and the ATA Board will tackle it this fall after all the numbers shake out. What I do know is that we must review data, talk to other users, carefully weigh our actions, and focus on sustainability in 2018 and beyond. No one can afford to see the Board of Fish designate stocks of concern in this region. Fish First. *Dale*

Board of Directors Election

Deadline: October 1, 2017

If you are an ATA member and haven't received a ballot, please call the office.

2017 Chinook Quota

All Gear Total	209,700
Abundance Index	1.27
Troll	154,880
Seine	9,020
Drift Gillnet	6,080
Set Gillnet	1,000
Sport	38,720

The Chinook quota is set using the Pacific Salmon Commission Chinook Model (model). Each winter, data from the previous season is added and the model is calibrated. An abundance index (AI) and quota are then generated for both the current year (preseason) and the one prior (postseason). Since 1999, Alaska and Canada have been managed for the preseason quota, but held accountable for the postseason. The AI is tied to a table of quota numbers (e.g. 1.0 AI = 150K fish), which is negotiated by the treaty commissioners. In 2009, Alaska's quota was cut 15% from 1999 levels and West Coast Vancouver Island (WCVI) lost 30%, supposedly to protect Puget Sound Chinook. Many of the fish saved were harvested by non-quota fisheries and didn't make it back to the rivers in sufficient numbers. This issue is a core topic of the current negotiations.

The model suffers from a lack of key data and there has been significant deviation between pre-and postseason AI's in recent years. The 2017 preseason quota is 41% lower than last year. The 2016 Alaska AI plummeted from 2.06 preseason to 1.65 postseason. The 2016 WCVI postseason quota dropped by 28,500 and Northern BC's went up 64,000. Getting the AI to consistently match up with actual abundance is a puzzle, but Alaska's talented technical team continues to push for a meaningful fix.

The Wheelhouse View

President Steve Merritt, F/V C'est La Vie

In the days of my youth we only had Ratz Mountain radio and the sideband for long-range communications and the VHF and CB for short. The challenge at that time was conveying your top-secret fishing score to your partners without giving the same information to eavesdropping fishermen. Just the tone of your voice could screw it up. We had elaborate codes some of which were so complex that your own coding partner ended up being misled! Fishing wasn't just fishing, it was a technological cold war and many captains had equipment on board that would rival that of a CIA spy. All of this led to small groups of trollers knowing the best places to fish before the majority of the fleet figured it out. Consequently, the fleet's catch rate was slower and made it more manageable for the department to accurately hit the harvest target before closing the Chinook fishery.

CALL IN PROGRAM

To find out how to participate call
ATA (586-9400) or ADFG (747-8434) .

Now, with the development of scramblers, face book, in-reach, cell and sat phones, the fleet is getting on the fish quicker, resulting in higher daily catch rates. The down side of this is that the pace of this fishery has increased substantially, particularly in years of high abundance, and too often the department has had to basically make an educated guess at the total number of fish being caught. If we fish over the quota in its entirety there are long range consequences that most of us fishermen don't fully understand. Catching too many kings in July means a shorter August opening, or none at all. If we fall too far short of the mark, we may not get to harvest our entire quota – and we definitely understand what that means!

Fishermen happily use computers and advanced communications to better their efficiency on the grounds, but we should also use these things to keep the department up to speed, so they can make the most accurate decisions about the management of our fishery. That's where the call-in program comes in.

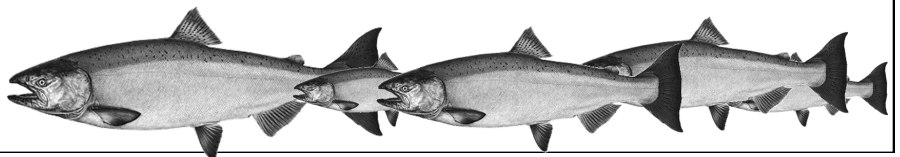
ATA realized years ago that having fishermen call from the grounds would help keep the department better informed about the actual status of coho. We used to have the 'traditional' 10-day closure in August, but most of us knew that was longer than necessary to achieve the goals of moving fish to the inside fisheries and conservation, so ATA developed a call-in program. Eventually this became a cooperative effort with ADFG. The success of the program is shown by the fact we haven't had a 10 day closure for many, many years.

We all need to use the call-in program to help the department do the best job they can. With treaty negotiations in full throttle and the quota quite low, the department's tendency will be to err on the conservative side and I believe that will be true for the future management of this fishery as well.

The more information ADFG has, the better off we will be. Think about calling ATA or ADFG this summer to regularly report your scores, especially during the king openings or at key coho assessment times mid-July to early August. As those of us who participate know, your information is carefully guarded – the goal is to provide opportunity to keep hooks in the water.

Good Fishing!

Steve



Winter Fishery	Total		Permits	Landings	Avg. Wt.	Avg. Fish Ticket Price
2017 - Preliminary	43,884		431	3,606	10.8	\$9.83
2016	52,292		428	3,873	10.2	\$8.01
5-year Average (2012-2016)	46,789		334	3,036	11.5	\$7.97
10-year Average (2007-2016)	25,664		289	2,693	12.6	\$7.54

2017 ATA Raffle

The results are in and a slate of fortunate people secured a passel of great prizes. A few still to be mailed, so bear with us. Many thanks to the merchants and participants who support ATA each year and help to make the raffle a fun and rewarding event. Next drawing will take place during the 2018 Board of Fisheries meeting in Sitka. Tickets on sale now!

Prize	Winner	Donor	City
\$2,500	Matt Lawrie	ATA	
\$1,000	Kevin Beam	ATA	
\$500	Mark Ritter	ATA	
\$100 Cash	John Garner	Hoonah Cold Storage	Hoonah
\$50 Cash	Dan Rear	Hoonah Cold Storage	Hoonah
\$50 Cash	Caleb Robbins	Hoonah Cold Storage	Hoonah
Gift Bag	Ken McGee	Alaskan Brewing Co.	Juneau
Jewelry	Joe Emerson	Thyes Shaub, Artist	Juneau
\$100 Gift Certificate	Andy Wright	Glacier Auto Parts/NAPA Juneau	Juneau
2 Hats & a Cozie	Earl Carlson	Glacier Auto Parts/NAPA Juneau	Juneau
\$100 Fuel	John Gaedke	Clover Pass Resort	Ketchikan
\$300 Custom Processing	Clark Slanaker	Cedar's Lodge	Ketchikan
\$75 Gift Basket	Matt Lawrie	AC Lakeside Grocery	Sitka
2 hrs Labor	Jeff Farvour	Skookum Canvas Works	Sitka
2 Person Stikine River Tour	Richard Atwood	Breakaway Adventures	Wrangell
Skookum Canvas Works	Matt Peavey	Wooden Wheel Cove Trading Post	Port Protection
Book - Portrait of AK, 1966-1995	Angel Drobnica	Rie Munoz Gallery	Juneau
Book and Mug	Jeff Farvour	Old Harbor Books	Sitka
One Night's Lodging	Kevin Graham	Zimovia Bed & Breakfast	Wrangell
One Ton of Ice	Joel Brady-Power	City of Craig	Craig
Prescription Sunglasses	Bert Bergman	Sitka Vision Clinic	Sitka
\$100 Gift Certificate	Bill McNab	Rocky's Marine	Petersburg
\$100 Gift Certificate	Dennis Northrup	Tatsuda's Iga	Ketchikan
\$150 Gift Certificate	Nick Hashagen	Alaska Gold Seafood by SPC	Bellingham
\$50 Gift Card	Mike Rental	Western Auto Marine	Juneau
\$50 Gift Certificate	Glo Wollen	Petro Marine	Juneau
\$50 Gift Certificate	Bob Fredrickson	Petro Marine	Juneau
\$50 Gift Certificate	Joel Brady-Power	Petro Marine	Juneau
\$50 Gift Certificate	Ron Ware	Piston & Rudder Service	Petersburg
\$75 Gift Certificate	Mike Rugo	Taku Fisheries	Juneau
2 hrs In-Shop Welding	Debra Rose Gifford	Precision Boatworks	Sitka
50% Off Survey Fee	Jerilyn Fairbanks	Tom Pope	Port Angeles
Alaskan Home Pack Box	Joel Steenstra	Alaska Glacier Seafoods	Juneau
Book: Salmon in the Trees	Joel Kawahara	ATA	
Smoked Red King Salmon	Dennis Northrup	E.C. Phillips & Son	Ketchikan
Smoked Red King Salmon	Carter Hughes	E.C. Phillips & Son	Ketchikan
Smoked Red King Salmon	Chris Lillibof	E.C. Phillips & Son	Ketchikan
Smoked Red King Salmon	Joel Brady-Power	E.C. Phillips & Son	Ketchikan
Smoked Red King Salmon	Steve Ricci	E.C. Phillips & Son	Ketchikan
Smoked Red King Salmon	Joel Kawahara	E.C. Phillips & Son	Ketchikan
Smoked Red King Salmon	Bill Privett	E.C. Phillips & Son	Ketchikan
Smoked Red King Salmon	Ken Quigley	E.C. Phillips & Son	Ketchikan

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MMPA

Last fall NMFS announced plans to move handtrollers, dinglebar, and jig fishermen from Category 3 to Category 2 under the Marine Mammal Protection Act (MMPA). The

CFEC

The Commercial Fisheries Entry Commission (CFEC) has been under intense scrutiny recently, in part because some legislators and the administration want to use CFEC money to finance a portion of ADFG, despite the fact CFEC shares millions of dollars with ADFG every year. As justification, legislators point to several permit adjudications that have been on the books for years and claims that the agency has worked itself out of a job, since there aren't many fisheries left to limit.

CFEC is 100% industry financed with permit and other fees paid by commercial fishermen; each year they set aside about \$400K for the Fishermen's Fund. CFEC was established under very specific laws intended to not only create a limited entry program, but to insulate our permit system from the politics of changing administrations. The law calls for three commissioners and sets the rate of pay. While the commissioners are appointed by the Governors, they do not work for them like the other agency heads. Their job is to develop and defend the limited entry program. The laws underpinning limit entry are unique and have required lots of careful tending to keep them intact.

At one time the IRS wanted to seize permits as property, it is CFEC who fought and won that and other legal battles aimed at dismantling limited entry. Their work on cases like *Carlson* (permit fees) has saved the state millions. CFEC assists fishermen on related issues. They worked on the payout portion of troll treaty mitigation program and helped with the seine buyback. Last year, CFEC joined with ATA on a Marine Mammal Protection Act issue that could have created unnecessary rules and expense for handtrollers, dinglebar, and jig fishermen. They provide analyses to the Board of Fish on gear and other matters. Sure, CFEC's workload is less than the early days and its budget and staff has been trimmed accordingly - maybe too much, since they haven't been able to fill important staff positions or clear up the back load of work.

(Continued on p.6)

reason is that a jig fisherman and his crew working near Kodiak were anchored up a couple years back and a humpback whale got tangled up with the anchor line and drowned. That one whale put several license categories over the allowable take provisions of the MMPA, earning them an 'upgrade' in status and some new rules to boot. If Category 2 had been approved, a bunch of unrelated license holders could have been required to register with NOAA, carry certificates, and pay an annual permit fee. Further, NOAA could have put observers on these vessels at any time. Jig, troll, and dinglebar fisheries were lumped by NOAA because CFEC does. The difference is that CFEC is not managing a fishery, it just lumps some fisheries for fee assessments. NOAA's mash up could have been costly and disruptive for small boats.

In the 1990's, ATA got the entire troll fleet moved from Category 2 to Category 3, which is still appropriate. This time, both CFEC and ATA questioned the change of status for the implicated fisheries - especially since the incident didn't actually involve fishing.

NOAA decided against the category switch for troll and dinglebar fishermen. The discussions proved to be a good way to help NMFS staff better understand our fisheries.



Smoked Red King Salmon	Don Power	E.C. Phillips & Son	Ketchikan
Smoked Red King Salmon	Dugan Daniels	E.C. Phillips & Son	Ketchikan
Spoons	Jeff Robinson	Silver Horde Fishing Supplies	Lynnwood
Spoons	Jeff Farvour	Silver Horde Fishing Supplies	Lynnwood
Spoons	Tom Pope	Silver Horde Fishing Supplies	Lynnwood
Spoons	Joel Kawahara	Silver Horde Fishing Supplies	Lynnwood
Spoons	Heather Sears	Silver Horde Fishing Supplies	Lynnwood
Spoons	Fran Fox	Silver Horde Fishing Supplies	Lynnwood

Calendar

Aug		
10	Alaska Salmon Day	
17	DEADLINE: Board of Fish AGENDA CHANGE REQUESTS	
Sept		
7-10	Rainforest Festival Petersburg	Petersburg
25-27	United Fishermen of Alaska Board of Directors	Cook Inlet Aquaculture, Kenai
Nov		
16-18	Fish EXPO	Seattle

State of Alaska Hosts Transboundary River Workshop

Lt. Governor Mallott recently hosted a workshop to update the public and take comment on implementation of the Statement of Cooperation (SOC) that Alaska negotiated with British Columbia last year. The SOC falls under a broader Memorandum of Understanding and is aimed at promoting the protection of water quality, quantity, and watershed integrity in our shared rivers. A Bilateral Transboundary Working Group was formed and includes the commissioners of three key Alaska agencies and their Canadian counterparts to share information and concerns regarding the progress of six large mines in the transboundary watershed, and the Mt. Polley mine where a catastrophic failure of a tailings dam occurred in 2014. A Technical Working Group will gather baseline and other data. The Parties say they will share information in a timely manner and collaborate with Alaska and B.C. citizens and tribal governments. Unfortunately, the agreements are non-binding and specifically state that no money is committed to the endeavor.

A crucial element missing is financial protection for State of Alaska and residents in the event the mines cause damage. The legislature held a hearing on the TBR mines and the congressional delegation has been working hard to start this discussion between the US and Canadian. To make headway they will need strong and visible backing from the state and all of us. ATA will continue to work with others and speak out on this issue.

(cont. from p. 5) CFEC is the only agency that takes in more than it spends and since 2013 ADFG has received \$17 million of that surplus. This has helped secure important ADFG programs, which industry supports, but it is crucial that CFEC maintain adequate resources and the flexibility necessary to do its work and defend against any future attacks on the program.

Last year, Governor Walker issued Administrative Order 279 to move some of CFEC's functions and \$1.3 million a year to ADFG. The state never adequately explained to industry how the additional money would be used, or how a new structure would protect core aspects of the CFEC program from political meddling in the future. An individual filed a lawsuit, which was eventually taken over by UFA. The judge ruled against industry, because AO 279 had not yet been implemented, so no harm has been done. UFA was considering an appeal when the governor placed a moratorium on AO 279 and called a meeting to look for common ground.

In October, a number of UFA groups met with Governor Walker to discuss CFEC; we asked him to drop AO 279. A workgroup was formed with a mission to meet the state's goal of cost cutting across all agencies, while protecting the integrity of CFEC. We developed a white paper on CFEC and suggested an approach. In May the Governor issued AO 285, which revoked AO 279 and introduced legislation that will, among other things, reduce the commissioner's salaries. UFA has agreed to drop the lawsuit and support the bill. We very much appreciate the governor working with industry on this!

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Welcome New Members

(As of April 19, 2017)

New	Boat	Home Port	Type
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Lindsey Johnson	Sika	Haines	PT
Tyler Emerson	Elf	Juneau	PT
Eric Wilkerson	Sunmore	Juneau	PT
Andrew Wilkerson	Sunmore	Juneau	CW

Upgrades

Hans Wienberg	Patience	Sitka	PT/G
Matt Lawrie	Born Again	Sitka	PT/S
Bruce Weyhrauch		Juneau	B/S

Did we miss you? Give a call!

Board of Directors

Steve Merritt, President

cestlavie@aptalaska.net

C'est La Vie, Southern Rural

Jim Moore, Vice President

aljac47@yahoo.com

Aljac, Northern Rural

Joel Kawahara, Secretary

joelkaw@earthlink.net

Karolee, Lower 48

Tad Fujioka, Treasurer

tadsitka@gmail.com

Merlin, Sitka

Matt Lawrie

matt.thusela@gmail.com

Born Again, Sitka

Ken McGee

kenmcgee@gci.net

Northstar, Juneau

Mark Roberts

capecross@gci.net

Cape Cross, Petersburg

Brett Stillwaugh

sunrise77akus@hotmail.com

McKenna S, Wrangell

Joel Brady-Power

fvnerka@hotmail.com

Nerka, Bellingham

Thatcher Brouwer

thatcher.brouwer@gmail.com

Deep Sea, At Large

Matt Donohoe

Matthew_Donohoe@yahoo.com

Helen A, At Large

Ben Atwood

blondebenjo1983@hotmail.com

Aquilla, Ketchikan

Casey Mapes

yak2you2@yahoo.com

Mai Tai, Handtroll

Staff

Dale Kelley, Executive Director

ata@gci.net

Treaty Representatives

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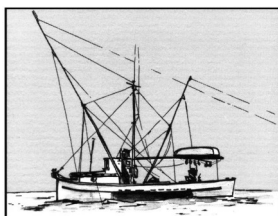
Dennis Longstreth, *Shearwater*

Dale Kelley, *ATA*

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City of Pelican	Precision Boatworks, Sitka	The Office Bar, Hoonah
Delta Western, Sitka	Qi Hooks, Sitka	Timber & Marine Supply, KTN
E.C. Phillips & Son, Ketchikan	Savage, Inc., Seattle	Tom Pope, Marine Surveyor
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Hammer & Wikan, Petersburg	Sea Mart, Sitka	Trading Union, Petersburg
Hoonah Cold Storage	Seattle Marine, Seattle	Triad Fisheries
House of Liquor, Sitka	Seaview Boatyard, Seattle	Union Machine Shop, KTN
Icicle Seafoods, Petersburg	Service Auto Parts, Ketchikan	US Seven Oceans, Mukilteo
LFS/Murray Pacific, Sitka	Shoreline, Pelican	Yakutat Seafoods, Yakutat

April 2017



Alaska Trollers Association

130 Seward #205
Juneau, AK 99801
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Spring 2017

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Silver	400	275	110	1000	500	
Gold	450	325	160	2500	1000	
Platinum	550	475	300	5000	2500	
LIFE	5000	2000	750			
1st YR Initiation Rate	175	75				
Retired Troller	50	50	50			

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Crew Size: ☐ Ice Boat: ☐ Freezer Boat: ☐ Direct Seafood Marketer: ☐ Processor: ☐ SPC: ☐ UFA: ☐

Other Fisheries: _____ Call-In Program? Yes ☐ No ☐

Are you willing to volunteer some time and/or expertise to ATA? Yes ☐ No ☐

EXTRA DONATION: \$ _____ Please use my donation for: Legal ☐ Treaty ☐ General Purposes ☐ Publicity ☐

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Short-sleeve \$25	_____	_____	_____	Raffle Ticket: \$20 each # _____

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A receipt for tax purposes is sent to all members in late January. Check only if you want an extra receipt & add email.

