

Public Testimony Sign Up Sheet

Agenda Item B-Reports

	NAME (PLEASE PRINT)	AFFILIATION
1	Glenn Reed / Benton	MCA
2	Chris Marchant / St. George	St. George Traditional Council Section
3	GERRY MARZIGAN	SELF
4	JOIS MARRON	ALFA
5	CORA CROME	PVOA
6	Clem Tillian	Aleut Corp
7	Dave Summa	DSFU
8	Duncan Fields	Old Harbor Fishermen's Assoc.
9	SANDRA MOLER	ALEUT ENTERPRISE
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

EXECUTIVE DIRECTOR'S REPORT

Managing our Nation's Fisheries Conference

Our conference in Washington DC on March 24-26 was a great success, attended by over 600 people. The full proceedings will not be published until this summer, but I hope to provide you at this meeting with a summary of the primary discussion points and findings of the various panels, workshops, SSC, and main conference panel. Our own Council Chair did a fantastic job of chairing the main conference panel and focusing a discussion of key issues under very tight timelines.

Joint Council/BOF meeting minutes

Item B-1(a) are the minutes from our February 25 joint meeting with the Board of Fish, where we discussed the Aleutian Island pollock fishery issues. This is informational but may be a reference for you when we discuss the Board of Fish recommendations under B-4.

CCED meeting in April

Another informational item is contained under B-1(b) - this is the agenda for the upcoming Council Chair and Executive Director (CCED) meeting being hosted this year by the Pacific Fishery Management Council. Ms. Madsen, Mr. Austin, and myself will be attending. Key agenda items include discussion of pending MSA reauthorization issues, the President's Ocean Action Plan, ecosystem management approaches, and budget issues. I will report to you in June on the results of the meeting.

Managing Fisheries/Empowering Communities Conference in April

Item B-1(c) contains general information, registration information, and the agenda for the 'Managing Fisheries/Empowering Communities' conference to be held April 21-23 here in Anchorage. NOAA Fisheries and Alaska Sea Grant are sponsoring this conference, and some of our staff are on the organizing committee and will also be participating.

Ecosystem and Enforcement Committee meetings

The Council's Ecosystem Committee met on Monday afternoon this week, and the agenda for that meeting is attached as Item B-1(d). A summary of that meeting will be provided when we get to D-3 (staff tasking and committees) later this week. The Enforcement Committee met on Tuesday to finalize discussions on the Enforcement Precepts Paper being prepared by NOAA Office of Enforcement and the U.S. Coast Guard. We will provide you with that document this week and perhaps get a brief report on that paper from Enforcement and Coast Guard representatives.

Letter from St George

Item B-1(e) is a letter from St George Island Traditional Council, requesting action by the Council to expand the Steller sea lion haul-out closures around the island out to 10 miles (currently they extend to three miles). They had presented a similar request to NOAA Fisheries last September, and are now forwarding the request

to the Council. We can discuss this further under the D-3 staff tasking agenda item, but I wanted to bring it to your attention under the B reports.

Update on June meeting in Girdwood

A reminder that our June meeting in Girdwood is a little off our normal schedule, with the AP and SSC beginning on Wednesday June 1 and the Council beginning on Friday June 3. Please make your airline reservations if you have not done so (tourist season is upon us!). Transportation to and from Anchorage, and while in Girdwood, will pose some logistical challenges (and additional expenses), and rental cars in June are usually in short supply. So, we are requesting that Council, AP, and SSC members try and establish some carpooling arrangements among yourselves, maybe 2 or 3 persons per car, or 4-5 per mini-van. Several staff members will also be heading to Girdwood on Tuesday and could supplement those arrangements. Rather than us designate who gets a rental car, it seems to make more sense to let you all do that based on travel schedules. Please make these arrangements ASAP as rental car availability will get scarce quickly!

Hilton Hotel meetings and rooms

A key part of our contracts with the Hilton Hotel for meetings here in Anchorage is the room block aspect; i.e., we contract to fill a certain number of sleeping rooms, in exchange for a discounted room rate, free meeting room space, and free coffee. It may not sound like a huge deal, but the cost of meeting room space and coffee and tea is otherwise quite high, and we have not been achieving our minimum room block in recent meetings. Many of our Council family and associated meeting attendees chose to stay at other locations in the downtown area. That is certainly their choice, but I am asking that Council, AP, and SSC members who are reimbursed by the Council for their expenses stay at the Hilton, and asking that those members of the public that do stay at the Hilton please be sure and do so under our room block (assuming the rate is as good as you could otherwise get), and to please make reservations at least three weeks in advance of the meeting in order to get credit under our room block.

Joint Meeting
Alaska Board of Fish
North Pacific Fishery Management Council
February 25, 2005
Egan Center
Anchorage, Alaska

AGENDA B-1(a)
APRIL 2005

The meeting was called to order at 10:16am by Art Nelson, Chairman of the Alaska Board of Fish (Board). The following Board members and members of the North Pacific Fishery Management Council (Council) were present:

Board: Art Nelson, (Chair), Ed Dersham (Vice Chair), Robert Heyano, Mel Morris
Council: Stephanie Madsen (Chair), Dennis Austin (Vice Chair), Dave Benson, John Bundy, Tony DeGange, Doug Hoedel, Roy Hyder, Earl Krygier (for Mecum), Hazel Nelson, CDR Cerne (for ADM Olson), and Sue Salvesson (for Balsiger).

Also in attendance were Lance Nelson, State attorney, Jon Pollard, NOAA General Counsel, and Council Executive Director Chris Oliver.

The following members were unable to attend: Board members Rupe Andrews, Dr. Fred Bouse, and John Jensen; and Council members Arne Fuglevog, Dave Hanson, and Ed Rasmuson and Stetson Tinkham.

There were approximately 40 staff and members of the public in attendance. Chairman Nelson announced that public comment would not be taken at this meeting because of time constraints. It was noted that public comment has been taken on the agenda issues during previous meetings of the Council and would be taken during the Board's upcoming meeting in March.

1. Agenda Approval

Because inclement weather in Juneau and Kodiak delayed staff needed to present Issues 3 & 4 (Crab Management, and Pollock Fishery), the agenda was rearranged to take Issue 5 (Current NPFMC Actions) after Issue 2 (Gulf of Alaska Groundfish Fisheries Rationalization). The agenda was approved with these changes.

This meeting was an informational meeting to provide Board and Council members an update on current actions and issues of mutual interest.

2. Gulf of Alaska Groundfish Fisheries Rationalization

(a) State progress on legislation

Legislation has been introduced in the State Legislature seeking statutory authority for the Board and the Commercial Fisheries Entry Commission to jointly develop a Dedicated Access Privilege (DAP) program for Gulf of Alaska (GOA) groundfish in order to develop complementary management regulations with the Council's planned GOA groundfish rationalization program.

Ed Dersham reported that the next step will be to develop a Memorandum of Understanding between the Board and the Commercial Fisheries Entry Commission and then to seek legislative support for the proposed legislation. Stephanie Madsen advised that it may be June or October before the Council releases a document for public review and comment, with final action in

October or December. That timing would allow time for the Board to begin developing a complementary program in State waters.

(b) Council Progress

Community Programs

Nicole Kimball, Council staff, briefed members on two community programs that would serve to provide economic stability or create economic opportunity in small, rural, fishing-dependent communities under the GOA groundfish rationalization program. A Community Fisheries Quota (CFQ) program would allocate a percentage of the annual available Federal total allowable catch to an administrative entity that would lease the annual harvest privileges to eligible community residents. The Community Purchase Program (CPP) would allow a defined set of eligible communities to organize an administrative entity to purchase, hold, and use Gulf groundfish quota share (or Gulf history) within the rationalization program. The Council's Gulf Rationalization Community Committee is working to further develop and refine the elements and options for the two community programs.

Crab and Salmon Bycatch

Diana Stram, NPFMC staff, reported on bycatch reduction measures for salmon and crab species being considered by the Council as part of the proposed GOA rationalization program. Measures to reduce bycatch are being considered for Chinook salmon, 'other' salmon, red king crab and *C. bairdi* Tanner crab. Alternatives for Council action were provided in the meeting briefing book.

Council member Dave Benson asked for clarification on the alternatives for crab, noting that under red king crab, Alternative 2 contains a parenthetical statement, "(and potentially other areas for Pacific cod longline and pot gear)" and that the same alternative for Tanner crab does not. Ms. Stram noted that she was not certain whether this is an oversight, or whether it has to do with the fact that Pacific cod longline and pot gear should actually be applied to Tanner crab and not red king crab. This issue should be clarified by the Council when they refine the alternatives. Mr. Benson pointed out that if the Council is looking at potentially having trigger rates and mechanisms for pot gear, then there will probably need to be some parallel action from the Board since they manage the crab fisheries.

Council member Hazel Nelson asked for timing of Council action on this issue. Stephanie Madsen responded that if the measures remain within the GOA rationalization program package, action probably would not be taken until the December Council meeting. However, there is some concern whether this can actually remain as part of the package at this time. It may be necessary to develop the alternatives on a separate time track. The Council will not be able to make that decision until the analysis is further developed. The Council may have more information at its June meeting.

3. Crab Management

Art Nelson briefed the Council on the Board's BSAI Crab Rationalization Committee's final report (provided in meeting notebooks). The Committee has provided several alternatives for the Board to consider during its upcoming March meeting.

(a) Aleutian Islands Golden King Crab Start Date

NOAA Fisheries staff has identified a potential conflict in the start date for the Aleutian Islands golden king crab fishery (August 15, 2005) that is proposed by the Board and the completion of the arbitration process under the Crab Rationalization Program. In its letter to the Board dated February 7, 2005, staff identified that August 1 is the earliest date when it can issue quotas shares for the 2005 fishery. It expressed concern that an August 15 opening would not allow sufficient time for share holders to meet program requirements for arbitration. This potential conflict would occur only during initial implementation of the program in 2005, and would not affect future start dates for this fishery.

Glenn Merrill, NMFS staff, briefed the Board and Council on this issue. He said that NMFS is not necessarily requesting a delay in the start date, but if arbitration requirements are not met, then one portion of the fleet could fish and the other could not. An October 15 start date would ensure that they could meet the target. Art Nelson asked whether the August 15 could date be retained, and the Restricted Access Management (RAM) division could withhold IFQ until it could be released to the entire fleet. Mr. Merrill responded that there is nothing in the regulations that say IFQs have to be released at the same time, but he did not know if RAM would do that unless requested by the Board to do so.

(b) Board Proposal #420

Proposal 420 to the Board of Fish would revise State regulations to require that a CDQ group must possess a CDQ allocation equal to or greater than the sum of the crab onboard a CDQ vessel (or vessels) operating for a CDQ group and all CDQ crab previously landed by that group during the CDQ fishery for that species. This proposal would prohibit after-the-fact transfers of CDQ crab from one CDQ group to another to cover harvest in excess of the group's CDQ allocation. The Board is scheduled to act on this proposal at its March 7, 2005 meeting. At its February 2005 meeting, the Council requested that this proposal be added to the agenda for this meeting for discussion.

Hazel Nelson asked Mr. Donaldson if there would be any problem with the Board delaying action on Proposal #420 (dealing with CDQ overages). Mr. Donaldson said that there would not be a problem delaying action at the March meeting. It's the Department's understanding that under Federal law after-the-fact transfers are not allowed, and this proposal would codify this practice. Ms. Nelson advised that CDQ groups have approached the Council to consider allowing overages for the CDQ groups and asked the Board to consider delaying action on the proposal until the Council takes action on the issue.

(c) Other Board Proposals

Wayne Donaldson, ADF&G, noted that there are several proposals to come before the Board in March that deal with crab rationalization. Fish and Game has put in a placeholder proposal (#421) that encompasses all the issues the Board will deal with in crab rationalization. There are some regulations that the Board must enact, such as converting from a guideline harvest level to a total allowable catch, changes in the CDQ fishing season, and several others.

CDR Mike Cerne, U.S. Coast Guard, told Board members that the Coast Guard has submitted a letter to the Board regarding crab rationalization and issues of safety. The Coast Guard is requesting that vessel safety decals be required and advance notice of departure for vessels departing with pots to help deal with stability and loading issues. With rationalization, the fisheries will be spread out considerably and monitoring will be more of a challenge.

4. Pollock Management

(a) Report of Council actions related to groundfish fisheries and Steller sea lion management

Bill Wilson (Council staff), Kaja Brix (NMFS-AKR staff), and Sharon Meline (NMFS-AKR staff) provided Board and Council members with a history of Council actions for the protection of Steller sea lions in the groundfish fisheries off Alaska. Currently, pollock trawl fisheries by federally permitted vessels are prohibited inside 0 to 10 and 0 to 20 nautical mile zones around certain haulouts and all rookeries throughout the range of the western population of Steller sea lions. Council and Board members were provided with a large amount of briefing materials outlining the history of Council actions, status of the Steller sea lion, and related issues.

Art Nelson asked for clarification of how the consultation process works. Kaja Brix explained that there are two different thresholds looked at in doing a Section 7 consultation in terms of an 'effect'. The first one is whether or not the action is likely to adversely affect the Steller sea lions. If that threshold is not surpassed, that will keep the action within the informal consultation realm. If it is determined that an action is likely to adversely affect, then a formal consultation is initiated.

Stephanie Madsen asked about the legal requirements for ongoing reevaluation of biological opinions and re-consultations. Ms. Brix responded that the Agency has decided not to pursue a revision until the Recovery Plan has been received from the Recovery Team. Additionally, a large amount of new information will be forthcoming as a result of ongoing studies of Steller sea lions that can be used in preparing a new biological opinion. The draft Recovery Plan may be available in six months; that plan will have to be peer-reviewed before a final Plan is developed, which may be within a year. At that time, the Agency will begin the process of preparing a new biological opinion.

(b) Briefing on proposal before the Board to open certain State waters to a State pollock fishery

Hermann Savikko, ADF&G, advised Council members that the Board has received a proposal from the Aleut Corporation to open certain State waters to a State parallel Pollock trawl fishery in two areas: Shumagin Islands area, and in the Adak/Atka area. The Board also received a request for a similar action in State waters near Seward. In both petitions the Board is being asked to open to pollock trawling certain State waters that are currently closed to pollock trawling under the Federal sea lion protection measures.

In the background information provided to the Board and Council, it was noted that the 2001 Biological Opinion specifically considered the effects of State fisheries on the western Steller sea lion population and concluded that some state-managed fisheries could adversely affect that stock through direct and indirect fisheries. That conclusion was based on the manner in which those State fisheries were prosecuted at that time.

Ms. Madsen asked when the Board will make decisions regarding size of vessels, restrictions, eligibility and other specifics for the proposed fisheries. Mr. Savikko explained that industry members will have the opportunity to present their ideas during the upcoming Board meeting and any parameters would be set through a Board committee or by the Board, but final action could be taken at the Board's meeting in early March. Mr. Dersham pointed out that if the Board does take action, the final product could be significantly different from the original proposal after all information has been considered.

Ms. Madsen also noted that the Council was directed by the Consolidated Appropriations Act (Act) to only allow only agents that have contracts with the Aleut Corporation to harvest the pollock allocated to the Aleut Corporation, and asked whether the State would have authority to do the same. Lance Nelson, State attorney, responded that the Board does not have authority to impose the same limitation.

There was considerable discussion regarding how any harvests in a parallel fishery would be accounted for – whether harvests would be deducted from the Federal total allowable catch (TAC) allocated to the Aleut Corporation, or under a State guideline harvest level which is deducted from the TAC before directed fishery allocations are made, as done in the Pacific cod fishery in the Gulf of Alaska. Ms. Madsen expressed concern that there may be a violation of the Act which mandated that that fishery can only be prosecuted by agents of the Aleut Corporation.

Jon Pollard said that the Act clearly allocates the directed pollock fishery in the Aleutian Islands subarea of the BSAI to the Aleut Corporation and in regulation it is clearly defined as 'Federal' waters. If the proposal is to fish that TAC in State waters, then there are several questions to be considered. NOAA GC and staff will be considering these questions as the proposal is developed.

Ms. Madsen also raised concern regarding any catch in the Shumagins under a new State fishery because currently there is not much difference between the Acceptable Biological Catch (ABC) and the TAC, raising concerns about overfishing.

(c) Potential Issues Associated w/Proposed Board Action

Jon Pollard reviewed issues related to formal consultation. The current biological opinion and Federal regulations require reinitiation of consultation if certain triggers are reached. Two of those which may be applicable in this situation would be the 'new information' trigger and the 'change in action' trigger. Reinitiation of formal consultation is required when new information reveals an action that may affect the listed species or its critical habitat in a manner or extent not previously considered. The 'change in action' trigger states that a reinitiation is required if the identified action is subsequently modified in a manner that causes revealing effects of the action that may affect listed species or their habitat in a manner or to an extent that was not previously considered or identified in the biological opinion. One of the crucial assumptions in the 'no jeopardy' opinion on the groundfish fisheries was that under the zonal approach the most important nearshore areas of critical habitat would remain closed as they had been proposed. There are several issues that the attorneys need to address before they can advise the Council or Board on questions as to whether or not a formal consultation would be required should the Board act favorably on the proposals to open these fisheries. Mr. Pollard said that it General Counsel's opinion that a consultation would be triggered immediately after any State action on the current proposals. Lance Nelson advised that the State/Board of Fish has flexibility in dealing with regulations; actions can be adopted but implementation delayed, or the Board could ask the Dept. of Law or hold any review and action pending Federal review under the ESA.

Kaja Brix briefly outlined next steps. NMFS would need more details on any decision the Board of Fish might make on these proposals: more specific information will be needed regarding participants, size of vessels, and which vessels in order to make a final evaluation as to whether or not a formal consultation would be triggered. NMFS is fairly confident that a formal consultation will be required, given current information. If that is the case, then NMFS would proceed with an evaluation of the action with respect to Steller sea lions and develop a biological opinion that would look at the jeopardy standard and the adverse modification standard. There

are several points to consider, openings specified in the proposal before the Board are in the areas likely of the most significance to the western population of Steller sea lions. There are also some questions with respect to the incidental take allowance under a Section 7 consultation and incidental take statement or the State's application with a habitat conservation plan for a permit for incidental take under Section 10.

5. Current NPFMC Actions

(a) Essential Fish Habitat /Habitat Areas of Particular Concern

Cathy Coon, Council staff, reported that the Council took significant action at its February 2005 meeting to conserve essential fish habitat (EFH) from potential adverse effects of fishing. The Council took action to revise existing descriptions of EFH by incorporating the most recent scientific information and improved mapping, and formally adopted a new approach for identifying Habitat Areas of Particular Concern (HAPCs). To address concerns about the impacts of bottom trawling on benthic habitat, particularly coral communities, in the Aleutian Islands the Council prohibited all bottom trawling, except in small discrete 'open' areas. Over 95% of the Aleutian Islands management area will be closed to bottom trawling. Additionally, six areas with especially high density coral and sponge habitat will be closed to all bottom contact fishing gear. These 'coral garden' areas are essentially considered marine reserves. Additionally, a vessel monitoring system will be required for fishing vessels to improve monitoring and enforcement of the Aleutian Island closures.

Within the Gulf of Alaska, the Council prohibited bottom trawling for all groundfish species in ten designated areas along the continental shelf thought to contain high relief bottom and coral communities. When the Council conducts its five-year review of EFH, it will review available research information to determine the efficacy of continued closures of the Sanak and Albatross areas.

The Council has also initiated an expanded analysis of alternatives to minimize the effects of fishing on EFH to further explore possible mitigation measures in the Bering Sea.

With regard to HAPCs (site-specific areas of EFH of managed species), the Council took action in February to designate and protect 20 HAPC areas consisting of seamounts and high density coral areas by prohibiting any gear type that contacts the bottom in those designated areas. In Southeast Alaska, several recently discovered areas containing large aggregations of long-lived *Primnoa* coral were also identified. The Council took action to prohibit all bottom-contact gear in Council-managed fisheries in several subsets of the areas in vicinity of the Cape Ommaney and Fairweather grounds. In the Aleutian Islands region, the relatively unexplored Bowers Ridge was also identified as HAPC and the Council prohibited mobile fishing gear that contacts the bottom with the area as a precautionary measure.

If these EFH/HAPC actions are approved by the Secretary of Commerce, the Council is requesting the Board of Fish to either restrict current fisheries or preclude future fisheries that would be inconsistent with Council action.

EFH

- Close state waters to all bottom contact gear in the AI Coral Gardens Marine Reserves
- Close state waters to bottom trawling in the AI Habitat Conservation Area

HAPC

- Bowers Ridge Habitat Conservation Zone prohibit bottom contact mobile gear managed by the state in this area (including dinglebar, shrimp beam trawls, and scallop)
- Primnoa Corals Marine Reserve area: prohibit bottom tending fishing gear managed by the state in this area (including dinglebar, shrimp beam trawls, and scallop)
- Alaska Seamount Marine Reserves area: prohibit bottom tending fishing gear within these areas (including crab or new developing fisheries)

None of the HAPC areas occur inside state waters.

Mr. Dersham asked for clarification of the term 'marine reserves'. He pointed out that the Board would be able to accomplish complementary measures fairly quickly; however, it would be a much more complicated process to designate areas as 'marine reserves'. David Witherell, Council staff, explained that the term 'marine reserves' was used in the analysis but not to identify the areas specifically as marine reserves.

Regarding the Council request that the Board consider closing some crab areas, Mr. Dersham asked whether such action would be considered a Category 2 or 3 issue under the Crab Fishery Management Plan (FMP). Earl Krygier pointed out that the existing FMP covers only the Bering Sea and Aleutian Islands. There is no FMP for crab in the Gulf of Alaska, therefore the Board could take action on its own.

Ms. Madsen pointed out that the State of Alaska asked the Council to consider an alternative which would not have designated EFH inside State waters; however, Council members were advised by legal counsel that such an action would not be legal under current regulatory constraints.

Ms. Coon advised that if the EFH/HAPC alternatives chosen by the Council are approved by the Secretary of Commerce, regulations should be in effect by August 13, 2006. Ms. Salveson, NMFS-Alaska Region, advised that NMFS is working to begin the regulation process now and may possibly have regulations in place before the August 2006 date.

Mr. Oliver stressed that more specific information will be sent to the Board after several issues are clarified, such as timing, and specific actions the Council is asking the Board to consider.

Hazel Nelson asked who would be responsible for enforcement in Federal waters that are state-managed. State attorney Lance Nelson responded that enforcement responsibility for State-managed fisheries are the responsibility of the State, whether in State or Federal waters.

(b) Salmon Bycatch

Diana Stram, Council staff, reported that the Council is working to address salmon bycatch management issues in the BSAI groundfish trawl fisheries. Responding to industry reports of an increasing problem with both chum and Chinook salmon bycatch in 2003 and 2004, the Council is considering several management alternatives. Two analyses are being prepared: the first to consider repeal or suspension of existing regulatory closures; and the second to examine potential new area closures for salmon management, as well as development of an individual vessel bycatch accountability program.

Hazel Nelson pointed out that the current salmon savings areas have been in place for ten years; however larger returns of salmon have resulted in higher salmon bycatches in those areas. She advised that industry is working diligently to reduce salmon bycatch and needs more flexibility to develop appropriate solutions. She asked Ms. Salveson to clarify the Agency's view regarding the possible suspension of current closures.

Regarding one of the alternatives being considered, to suspend current closures and monitor on a yearly basis and then reinstate the closures if progress is not made in reducing bycatch. Ms. Salveson said one concern is whether NMFS has the ability under the Administrative Procedures Act to reinstate the closures without undergoing rulemaking which takes a considerable amount of time. They are working with General Counsel to determine whether there is a way to reinstate closures more quickly, but at this time she does not have information to indicate whether or not this can be accomplished. A discussion paper on the subject is being prepared for the Council's April meeting.

Mr. Bundy advised Board members that the Council has heard from the Bering Sea Fishermen's Association and upper Yukon participants that they are also working with the pollock co-op on this issue.

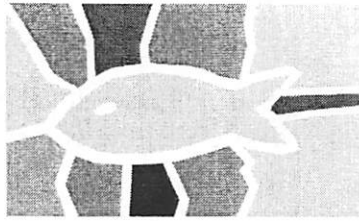
Art Nelson asked whether elevated Chinook bycatch amounts are being experienced in the current 'A' season. Ms. Salveson responded in the affirmative, generally along the lines of last year's catches. Catch statistics are available on the Region's website.

6. Other Business

After the Board's March meeting Art Nelson and Stephanie Madsen will determine whether a meeting of the Protocol Committee is needed, or whether a full Council/Board meeting is needed.

Tony DeGange, U.S. Fish and Wildlife, advised Board and Council members of current activities with regard to several species which may be listed under ESA as threatened.

The meeting was adjourned at approximately 4:50pm on Friday, February 25, 2005.



**Council Chairs and
Executive Directors Meeting
April 25 - 29, 2005
Laguna Cliffs Marriott Resort
Dana Point, California**

PROPOSED AGENDA

Agenda item letters and numbers correspond with the Briefing Book tabs.

TUESDAY, APRIL 26, 2005

Separate, non-public administrative staff meeting sessions for Regional Fishery Management Councils (RFMC) and National Marine Fisheries Service (NMFS).

8 a.m. - 12 p.m.

Review of agenda items and preparations for joint sessions on Wednesday and Thursday.

12 p.m. - 2 p.m. Lunch

Separate non-public administrative staff meeting sessions (continued).

1:30 p.m. - 5 p.m.

WEDNESDAY, APRIL 27, 2005

General Session

8 a.m. - 12 p.m.

A. Call to Order

- | | |
|---------------------------------------|--------------|
| 1. Opening remarks, Regional Councils | Don Hansen |
| 2. Opening remarks, NMFS | Bill Hogarth |

B. Congressional Staff Briefing Dave Whaley (invited)

C. Magnuson-Stevens Fishery Conservation and Management Act (MSA) Reauthorization and Associated Legislation

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| 1. Review 2002 Administration Positions and Current Administration Perspectives | Bill Hogarth |
| 2. Review 2002 Council Chair Positions and Current Regional Councils' Positions | Don Hansen |

12 p.m. - 2 p.m. Lunch

U.S. Coast Guard RADM Dennis Sirois and NMFS Chief Dale Jones will make presentations on fishing regulation enforcement and safety in the context of MSA reauthorization.

General Session

2 p.m. - 5 p.m.

**C. MSA Reauthorization and Associated Legislation
(continued)**

D. Budget Issues

- | | |
|--|-------------|
| 1. RFMC Funding | Don McIsaac |
| a. Fiscal Year (FY) 2005 | |
| b. FY 2006 | |
| c. FY 2007 and Beyond | |
| 2. NMFS Funding Issues | John Oliver |
| 3. Schedule for Interim Council Chairs and Executive
Directors Meeting on Budget Issues | Don McIsaac |

THURSDAY, APRIL 28, 2005

General Session

8 a.m. - 12 p.m.

D. Budget Issues (continued if necessary)

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| E. Ocean Commission Report: President's U.S. Ocean
Action Plan | Bill Hogarth |
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12 p.m. - 2 p.m. Lunch

Representatives of the Makah Tribe of Neah Bay, Washington will make a presentation on historic and current tribal marine fisheries.

General Session

2 p.m. - 5 p.m.

F. Ecosystem Management Approaches

- | | |
|--|----------------|
| 1. NOAA\Councils Work Group Report on Guidelines | Steve Murawski |
| 2. NOAA Activities | Jack Dunnigan |
| 3. Councils Fishery Ecosystem Plan Update | Greg Waugh |

G. Council Member Training

Jack Dunnigan

H. Next CCED Meeting

FRIDAY, APRIL 29, 2005

Regional Councils Executive Directors non-public administrative staff meeting session.

8 a.m. - 12 p.m.

Discussion of Follow-up Activities

ADJOURN



Alaska Sea Grant

Agenda

Speaker biographies

Announcement

Topics

Schedule

Location & facilities

Registration information

Online registration form

Speaker registration form

Organizing committee

Sponsors



Managing Fisheries—Empowering Communities

A community conference sponsored by NOAA Fisheries, Alaska Region



Anchorage, Alaska, USA
April 21-23, 2005

Contact: Sherri Pristash, fyconf@uaf.edu

Conference Announcement

Participants attending this conference will look for ways for Alaska coastal communities to gain a voice in local fisheries management. Many of Alaska's coastal communities, rich with vibrant histories and diverse cultures and economies, face an uncertain future. In most coastal communities, the local economy is fueled by a combination of government spending, subsistence activities, and, in the private sector, fisheries and other resource development. As government spending declines, the role of the private economy becomes more important.

In recent years, fishery managers have focused on managing fisheries for biological and economic sustainability. Often, the challenge of addressing overcapitalization ("too many boats chasing too few fish") has led to limited-entry programs, which use tools such as limiting licenses (as is the case with the salmon and herring fisheries) or allocating a specific amount of quota to individuals (seen in the halibut and sablefish IFQ program).

Fishery management regulations, and limited access in particular, clearly impact fishing communities. While there are considerable

benefits to limiting access, such as longer fishing seasons, increased efficiency, improved product quality, and increased value of the fishery, there also has been a trend of fishing activity and supporting industries migrating from rural coastal communities to more urban areas. This out-migration of fishing activity can result in weaker local economies and a less certain future for Alaska's coastal communities.

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Topics

Understanding and considering impacts to coastal communities should be a necessary step in the fishery management process. This conference will address such questions as:

- Are there ways to develop effective policies and programs that do not foreclose opportunities to coastal communities?
- What aspects of "coastal communities" are we trying to protect?
- How can communities be considered under the federal and state fishery management systems?
- What do we need to know in order to assess community impacts?
- Are there better ways for communities to participate in the development of fishery management programs and plans?
- How can community members take advantage of the provisions of existing programs?

The conference is designed for Alaska coastal community residents, fishermen, processors, fishery managers, and others interested in this topic. Speakers, panels, and breakout working sessions will address these questions. A conference report will summarize the exchanges.

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Program Schedule

The registration desk will open at 8:00 a.m. Thursday, April 21. Stop by to register or pick up your conference materials. The program will begin at 9:00 a.m. with opening remarks and will proceed with panel presentations. Friday's schedule will begin with case studies in the morning, breakout working groups in the afternoon, and a reception in the early evening. On Saturday, April 23, the working groups will report their recommendations, followed by a discussion on how to implement those recommendations. The meeting will conclude at midday Saturday. A light continental breakfast will be available in the meeting room each morning; other meals will be on your own.

See the [conference agenda](#) for more detailed information.

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Location and Facilities

The conference will be held at the Anchorage Marriott Downtown Hotel. The Marriott offers a variety of guest amenities, including fine dining, a business center, health club, swimming pool, and whirlpool. Many rooms have great views.

Guest room accommodations are available for conference participants at a special rate of \$85.00 per night, single or double occupancy. Add 8% tax to all room prices. Be sure to make your reservations by **March 21** to get the special group rate. Make reservations directly with the Marriott:

Anchorage Marriott Downtown Hotel
820 West 7th Avenue
Anchorage, AK 99501
1-800-228-9290 (toll free) or 907-279-8000
<http://marriott.com/property/propertypage/ANCDT>

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Registration

The registration fee is \$75.00 per person if received by **April 8**. From **April 9 to 14**, registration is \$100. After **April 14**, registration will be available only on-site at \$100.00 per person. The fee covers a light continental breakfast and break refreshments daily, a reception, and conference materials. You are urged to register and pay your fees in advance so that adequate materials are available.

Make checks payable to Alaska Sea Grant College Program (money order or US funds check from US bank). Visa and MasterCard are also accepted. If it becomes necessary to cancel your registration, fees will be refunded at 75% if notice is received by **April 1**.

Online registration is available with our [secure registration form](#). Or fill out and return the [printable registration form](#) to the coordinator at the address below. Speakers, please use our separate [speaker registration form](#).

Sherri Pristash, Coordinator
Alaska Sea Grant College Program
PO Box 755040
Fairbanks, AK 99775-5040
907-474-6701 (voice)
907-474-6285 (fax)
fyconf@uaf.edu

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Organizing Committee

- Brian Allee, Director, Alaska Sea Grant, University of Alaska Fairbanks
- Sue Aspelund, Fisheries Policy Advisor to the Commissioner,

Alaska Department of Fish & Game

- Paula Cullenberg, Associate Director and Program Leader, Alaska Sea Grant Marine Advisory Program, University of Alaska Fairbanks
- Mark Fina, Senior Economist, North Pacific Fishery Management Council
- Nicole Kimball, Fisheries Analyst, North Pacific Fishery Management Council
- Philip J. Smith, Program Administrator, Restricted Access Management, NOAA Fisheries, Alaska Region

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Alaska Sea Grant

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A community conference sponsored by



Draft Agenda

last revised 4/1/05

Note: Speaker names are linked to biographies where available.

Thursday, April 21

8:00 a.m.
Registration desk opens

9:00 a.m.
Opening remarks

Moderator: [Phil Smith](#), Program Administrator, Restricted Access Management, NOAA Fisheries, Alaska Region

- *Purpose of the conference and community involvement*, [Dr. James Balsiger](#), Regional Director, NOAA Fisheries, Alaska Region
- *International perspectives on community fisheries management*, [Ross Shotton](#), Fishery Resource Officer, Food and Agriculture Organization, United Nations, Rome

10:00 a.m.
Morning coffee break

10:15 a.m.

Alaska coastal community programs (Panel 1)

- *Community Development Quota Program*, Greg Cashen, CDQ Program Manager, Alaska Dept. of Commerce, Community and Economic Development
- *Local Area Management Plans*, Eric Jordan
- *Chignik Salmon Cooperative*, Axel Kopun and Laura Stepanoff
- *Community Quota Program for Halibut/Sablefish*, Brian Templin, City Planner, City of Craig CQE program
- *BSAI crab rationalization*, Steve Minor

12:00 p.m.**Lunch (no host)****1:15 p.m.****Data needs for Alaska coastal communities and fisheries management (Panel 2)**

Facilitator: Wanetta Ayers, Executive Director, Southwest Alaska Municipal Conference

- Dr. Michael Downs, Senior Social Scientist, EDAW Inc.
- Dr. Jennifer Sepez, Anthropologist, Economics & Social Sciences Research Program, NOAA Fisheries, Alaska Fisheries Science Center
- Bruce Twomley, Alaska Commercial Fishing Entry Commission

2:45 p.m.**Alaska Board of Fisheries process and legal framework—community considerations**

- Ed Dersham, Vice Chair, Alaska Board of Fisheries
- Diana Cote, Executive Director, Alaska Board of Fisheries

3:30 p.m.**Afternoon break****3:45 p.m.****North Pacific Fishery Management Council and NOAA Fisheries process and legal framework—community considerations**

- Chris Oliver, Executive Director, North Pacific Fishery Management Council
- Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, NOAA Fisheries
- John Lepore, NOAA General Counsel

5 p.m.

Closing remarks—adjourn for the day

Friday, April 22

8:30 a.m.

Opening remarks

- Stephanie Madsen, Chair, North Pacific Fishery Management Council

8:45 a.m.

Case study 1: Hubert Saulnier, Fundy Fixed Gear Council, Nova Scotia, Canada

- Hubert Saulnier, Chair, Fundy Fixed Gear Council

9:45 a.m.

Morning break

10:00 a.m.

Case study 2: The community panels project—institutionalizing social science data collection

- Madeleine Hall-Arber, Anthropologist, MIT Sea Grant College Program

11:10 a.m.

Case study 3

- Ross Shotton, Fishery Resource Officer, Food and Agriculture Organization, United Nations, Rome

12:10 p.m.

Lunch (no host)

1:15 p.m.

Case study 4: Alaska coastal communities and the salmon industry—the future

- Representatives of the Alaska Board of Fisheries Salmon Restructuring committee

2:30 p.m.

Breakout groups (6)—recommendations and action items related to

- What are community needs? What are we trying to protect, sustain, or promote?
- Discuss the case studies—what tools, provisions, programs are being developed or operating in other regions or internationally that might be effective in Alaska?
- What goals are these programs intended to meet?
- What are the key elements of these programs that make them effective?
- How can and should communities be involved in determining the objectives, design, and implementation of these programs?
- What are effective and appropriate ways to represent communities in a regulatory regime?
- How can government provide meaningful opportunities for community development via public policy while also supporting community efforts to determine their own futures?

3:30 p.m.

Afternoon break

3:45 p.m.

Continue breakout groups

5:30 p.m.

Reception

(no host bar and appetizers)

Brief presentation: **Alaska Coastal Communities Observer System**

- Gale Vick, Executive Director, Gulf of Alaska Coastal Communities Coalition

Saturday, April 23

9:00 a.m.

Opening remarks

- McKie Campbell, Commissioner, Alaska Department of Fish and Game

9:30 a.m.

Breakout group reports

- Each facilitator provides a summary of each group's recommendations and/or conclusions

11:00 a.m.

First steps: Discuss process for furthering measures recommended in the working groups

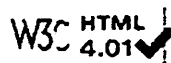
- Is this action within the BOF/State, NPFMC/Federal, legislative, or community authority?
- What mechanisms are necessary to further these recommendations?
- What is the most effective course of action? What steps could communities take to get there?
- Discuss modifications as we learn more about the obstacles to implementation

12:00 p.m.

Closing remarks

- Discuss plan for proceedings and adjourn conference

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Ecosystem Committee DRAFT Agenda

**April 4, 2005 1-5 pm
Aspen Room, Hilton Hotel, Anchorage, AK**

- 1. Update on national conference**
 - a. summary table on 'Developing an ecosystem approach to fisheries' detailing the findings of the main conference panel and the ecosystem advisory panel, and the comments of the SSC
 - b. poster from the national conference describing NOAA's ecosystem goal team
- 2. Update on Council-NMFS working group to develop ecosystem national guidelines**
- 3. Brief update on current North Pacific ecosystem efforts**
 - a. summary of Alaska region ecosystem research funding requests (Jim Balsiger)
 - b. summary of the North Pacific Climate Regime and Ecosystem Productivity group
 - c. agenda and SSC minutes on the SSC's February multispecies and ecosystem modeling workshop
- 4. Review of staff discussion paper on the Council's role in developing an ecosystem approach to management in Alaska**
 - a. discussion paper emailed to committee on 3/31/05
 - b. additional discussion on process, including Figure 3 and funding considerations
- 5. Review of discussion paper considering area-specific management in the Aleutian Islands**
 - a. discussion paper, dated 11-18-04, emailed to committee on 3/18/05
 - b. additional discussion points
 - c. SSC comments on discussion paper, from December 2004
 - d. contributions to the Fisheries Oceanography volume on the Aleutian Islands, scheduled to be published this summer; and abstract of the draft conclusions

PRIBILOF ISLAND ALEUT COMMUNITY
of
St. George Island / Traditional Council

P.O. BOX 940 • ST. GEORGE ISLAND, ALASKA 99591 • (907) 859-2205 • TELEFAX (907) 859-2242

March 30, 2005

Stephanie Madsen
Chair
North Pacific Fishery Management Council
605 West 4th Street, Suite 306
Anchorage, AK 99501-2252

RECEIVED
MAR 31 2005
N.P.F.M.C.

Dear Ms. Madsen:

On September 24, 2004, the St. George Traditional Council presented evidence to the National Marine Fisheries Service (NMFS) that significant numbers of Steller sea lions use St. George Island haul-outs during summer and winter. In contrast to the majority of Steller sea lion critical habitat designated under the Endangered Species Act, groundfish trawling is prohibited from only 0-3 nautical miles of these haul-outs because NMFS did not recognize this usage when it adopted Steller sea lion protection measures in January 2003. 67 Fed. Reg. 56692, 56703 (Sept. 4, 2002); 68 Fed. Reg. 204 (Jan. 3, 2003). In view of available evidence, the Traditional Council hereby requests that the North Pacific Fishery Management Council (NPFMC) review and reconsider the protection measures established for these haul-outs and, if warranted, prohibit groundfish trawling within 0-10 nautical miles of these haul-outs.

In 2003, the Traditional Council began surveying Steller sea lion haul-outs on St. George Island to substantiate local knowledge that Steller sea lions use haul-outs on St. George Island in numbers that may warrant a higher level of protection than afforded by existing protection measures. On September 24, 2004, the Traditional Council presented the data from these surveys to NMFS along with evidence that females with dependent pups and branded juvenile Steller sea lions from other parts of the species range use St. George Island haul-outs. These data are supported by a photograph and data in Figure I-3 and Table I-3, respectively, of the *Supplement to the Endangered Species Act - Section 7 Consultation Biological Opinion and Incidental Take Statement of October 2001 (2001 BiOp Supplement)* documenting the use of the Dalnoi Point haul-out by at least 200 Steller sea lions in March 2002. Of equal importance, as indicated by the attachment to this letter, recent counts conducted by the Traditional Council corroborate these data.

On September 24, 2004, the Traditional Council requested that NMFS initiate

a review and reconsideration of the [2003] Steller sea lion protection regulations .
... [and] that the 20 nautical [mile] protected zone around St. George Island

haul-outs be reinstated so that it is comparable to other Alaskan haul-out sites used by similar number of Steller sea lions.¹

NMFS conveyed this request to the NPFMC prior to its December 2004 meeting, but the NPFMC did not discuss or act on the request.²

With this letter, the St. George Traditional Council requests that the NPFMC review and reconsider the Steller sea lion protection measures established for St. George Island and, if warranted, prohibit groundfish trawling within 0-10 nautical miles of these haul-outs. The Traditional Council has reduced its initial request for a 0-20 nautical mile prohibition in an effort to solve a challenge to Steller sea lion conservation in a manner acceptable to all parties. The size of this request is based on the importance of the 0-10 nautical mile zone to Steller sea lions and the relatively low level of groundfish trawling in this area.

NMFS has consistently stated that Steller sea lions are most sensitive to groundfish trawling within 0-10 nautical miles of haul-outs. In proposing the existing protection measures, for example, NMFS stated that, "[i]n most cases, the portion of critical habitat areas considered important for protection in 2002 and beyond is 0-10 nm of haulout and rookery sites with areas closer to shore considered more important for animals with less foraging skills or for females with pups." 67 Fed. Reg. at 56695. NMFS summarized the existing protection measures by stating on page 56 of the *2001 BiOp Supplement* that "[i]nside 10 nm conservation measures are very conservative except for catch off St. George Island." In sum, with few exceptions such as St. George Island, trawling is prohibited within the 0-10 nautical mile zone of Steller sea lion critical habitat to avoid adverse modification of critical habitat.

In contrast to the importance of the 0-10 nautical mile zone to Steller sea lions, relatively low levels of groundfish trawling occur in this zone. Table III-9 of the *2001 BiOp Supplement* indicates that pollock catch in St. George Island critical habitat increased nearly tenfold between 1999 and 2002, but that only 7.8% of the 2002 catch occurred in the 0-10 nautical mile zone. Perhaps more importantly, Table III-9 indicates that pollock catch in 2002 in the 0-10 nautical mile zone of St. George Island critical habitat amounted to only .2% of the eastern Bering Sea pollock catch. If current catch rates resemble those of 2002, a relatively low level of trawling would be displaced to establish Steller sea lion protection measures comparable to those established for Steller sea lion haul-outs throughout the eastern Bering Sea.

To conclude, available data warrants a review and reconsideration of the adequacy of the existing protection measures established for St. George Island Steller sea lion haul-outs and appears to warrant a prohibition on groundfish trawling within 0-10 nautical miles of these haul-outs. In view of these data, the Traditional Council seeks Steller sea lion protection measures on St. George Island that are comparable to the protections afforded Steller sea lion haul-outs

¹ The September 24, 2004 letter incorrectly stated that the 2003 Steller sea lion protection measures had "reduce[d]" trawl closures around St. George Island when, in fact, the prior closure had been 3 nautical miles, except during the court-ordered injunction of August 2000 which closed all Steller sea lion critical habitat to fishing. The Traditional Council corrected this error on October 5, 2004 and reiterated that "the primary issue we address in our letter is the level of protection accorded a major [Steller sea lion] haul-out in the Pribilof Islands, both past and present."

² Members of the NPFMC may have spoken about the factual error noted in footnote 1, but the NPFMC did not discuss or act on the request.

throughout the eastern Bering Sea. Please note, however, that the Traditional Council will oppose any protection measures that prohibit vessel transit or fishing by the St. George fleet within St. George Island critical habitat, or that otherwise harm subsistence rights or the local economy, as inconsistent with the protection measures established for Steller sea lion haul-outs throughout the eastern Bering Sea.

Implicit in this request is the recognition by the Traditional Council that existing Steller sea lion protection measures disproportionately impact the Aleut Community of St. George Island. Executive Order 12898 provides that

[t]o the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States.

The NPFMC is thus bound, to the greatest extent practicable and permitted by law, to identify and address the disproportionate environmental impacts of Steller sea lion protection measures on the Aleut Community of St. George Island.

To protect Steller sea lions and fulfill this mandate, the Traditional Council requests that the NPFMC review and reconsider the protection measures established for St. George Island Steller sea lion haul-outs and, if warranted, prohibit groundfish trawling within 0-10 nautical miles of these haul-outs. Please place this request in the notebook and on the agenda for consideration and action by the NPFMC at its April 2005 meeting. Thank you in advance for your prompt attention to this matter.

Sincerely,


Anthony B. Mercurief
President

Attachment

Cc: Members of the NPFMC
Dr. James W. Balsiger, Administrator, Alaska Region, NMFS
Kaja Brix, Director, Protected Resources Division, Alaska Region, NMFS
Larry Cotter, Chair, NPFMC Steller Sea Lion Mitigation Committee
Dr. John Bengtson, Director, National Marine Mammal Laboratory, NMFS
Dr. Doug DeMaster, Director, Alaska Fisheries Science Center, NMFS

Figure 1. Dalnoi Point. The photos show 439 Steller sea lions hauled out on March 19, 2004 (top) and 265 sea lions hauled out on March 16, 2005.

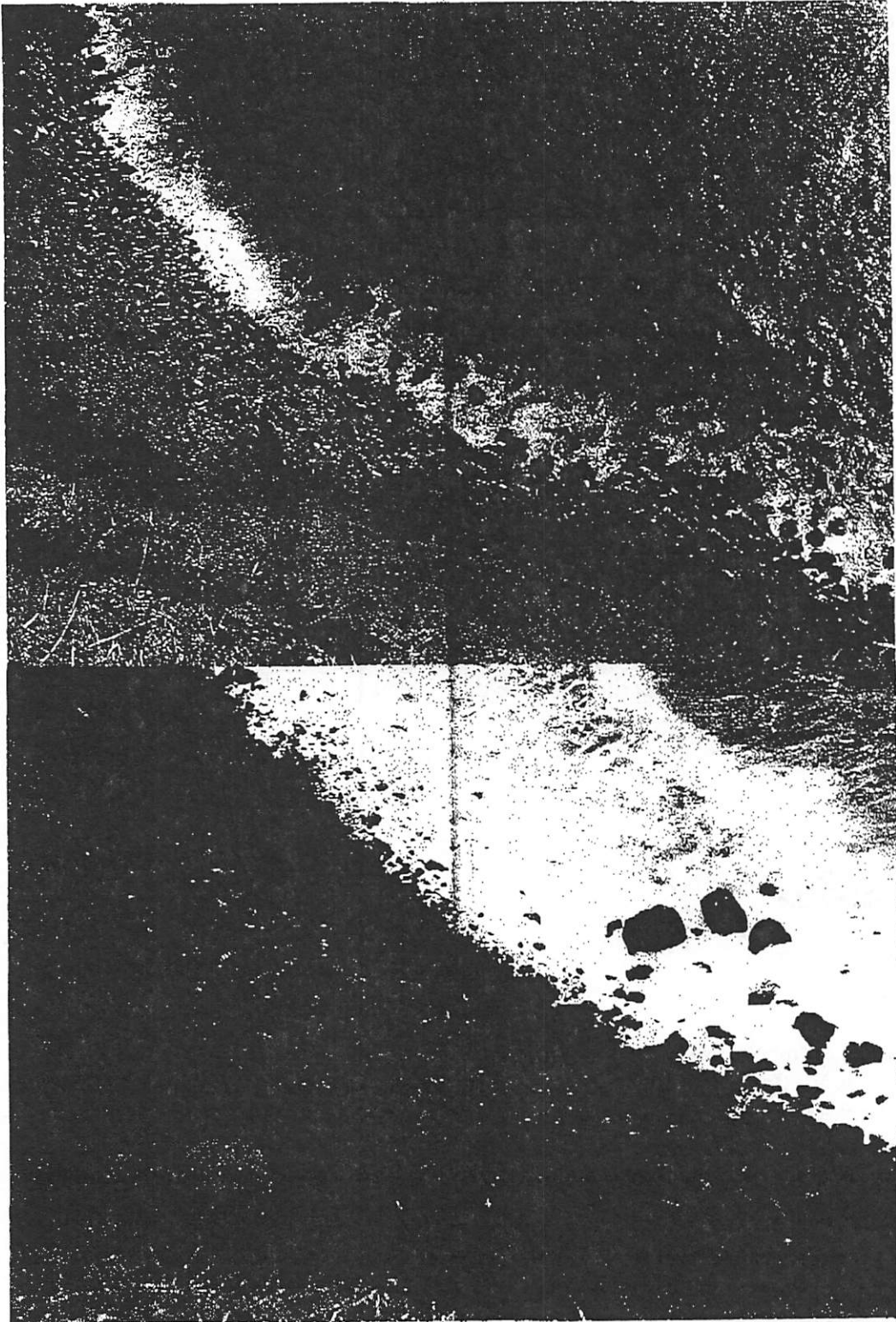


Table 1. Maximum counts of Steller sea lions at the Dalnoi Point haul-out on St. George Island from 2002 – 2005.

<u>Site</u>	<u>Date</u>	<u>Count</u>
DALNOI POINT	2/17/2002	200
DALNOI POINT	3/19/2004	439
DALNOI POINT	3/16/2005	265



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

AGENDA B-1
APRIL 2005
Supplemental

MAR - 7 2005

Ms. Stephanie Madsen
Chair
North Pacific Fishery Management Council
605 West 4th Avenue
Anchorage, Alaska 99501-2252

Dear Ms. ^{Stephanie}Madsen:

I would like to congratulate the North Pacific Fishery Management Council on its recent actions relative to essential fish habitat (EFH) and habitat areas of particular concern (HAPCs).

The Council's actions would substantially conserve cold water corals and other sensitive habitats in the Aleutian Islands and Gulf of Alaska. The Council's vote to prohibit bottom trawling in vast areas of the Aleutian Islands, to prohibit all bottom contact fishing gear in six coral garden sites, and to prohibit mobile bottom contact gear on Bowers Ridge are positive and significant steps to protect important habitat. Additionally, the proposed establishment of Gulf of Alaska Slope Habitat Conservation Areas and new HAPCs prohibiting bottom-contact fishing in several areas that support red tree corals and contain seamounts illustrate the Council's commitment to the future. These actions demonstrate that working together as partners we can continue the North Pacific objectives that will result in the conservation of our living marine resources.

I look forward to working with you on these and other Council actions in the future.

Sincerely,

Bill

William T. Hogarth, Ph.D.

cc: VADM Conrad C. Lautenbacher, Jr.
Jim Balsiger, Alaska Regional Administrator
Doug DeMaster, Director, Alaska Fisheries Science Center
Council Chairs

