Polar Bear Proposed Critical Habitat
Questions & Answers

1. What action is the Fish and Wildlife Service taking?

The Service is proposing a critical habitat designation for the polar bear, a threatened species protected under the federal Endangered Species Act (ESA). The proposal is to designate approximately 200,541 square miles of on-shore and offshore habitat in northern Alaska as critical habitat.

2. How will polar bears benefit from a critical habitat designation?

Polar bears will benefit by this proposed designation since critical habitat receives an additional level of legal protection under section 7 of the Endangered Species Act. In areas where polar bears occur, agencies are already required to consult with the Service to avoid actions that would jeopardize the continued existence of the species. However, the ESA also prohibits destruction or adverse modification of designated critical habitat. Federal agencies are required to consult with the Fish and Wildlife Service when authorizing, funding or carrying out actions that may affect listed species or their critical habitat.

3. How does this action fit with this Administration's approach to climate change?

The proposed critical habitat designation is an important step in the process to conserve and recover the polar bear as required under the ESA. Instead, the Department of the Interior is taking a comprehensive approach to address climate change, with the intent that actions we take nationally and globally will have positive effects on the polar bear and other species impacted by climate change.

For example, the administration strongly supports market based emissions reductions legislation currently being considered by Congress that would make the U.S. a leader in reducing its carbon footprint. The administration is promoting a renewable energy strategy to reduce our dependence on fossil fuels. Interior Secretary Salazar has signed a Secretarial Order to address climate change impacts using the latest science and mitigate for those impacts. In addition, the Fish and Wildlife Service has just released a strategic plan for public comment to address the impacts of climate change to wildlife and has begun working on a wildlife adaptation strategy. There are many other activities – large and small – going on throughout government to address climate change and these collective efforts will go a long way to helping us conserve the polar bear.

Critical Habitat

4. Why is the Service proposing this designation now?
The polar bear was added to the federal list of threatened and endangered species on May 15, 2008. The ESA requires that, to the maximum extent possible, the Secretary of Interior designate critical habitat at the time a species is listed. However, the Service determined that additional time was needed to conduct a thorough evaluation and peer review of a potential critical habitat designation and thus did not publish a proposed designation concurrent with the final listing rule. As part of the settlement of a subsequent lawsuit brought by a group of conservation organizations, the Department of the Interior agreed to publish a final rule designating critical habitat for the polar bear no later than June 30, 2010. Today's announcement is a step toward fulfilling the terms of that settlement.

5. What is critical habitat?
Critical habitat is the geographic area that contains habitat features essential for the conservation of a threatened or endangered species and which may require special management considerations. A designation does not set up a preserve or refuge, and has no specific regulatory impact on landowner actions on private land that do not involve federal agency funds, authorization or permits. Critical habitat is determined after taking into consideration the economic impact it could cause, as well as any other relevant impacts. The Secretary of the Interior may exclude any area from critical habitat if the benefits of exclusion outweigh the benefits of inclusion, as long as the exclusion would not result in the extinction of the species.

6. Who will be affected by a critical habitat designation?
Federal agencies are required to consult with the Service on actions they carry out, fund or authorize that might affect critical habitat. Non-federal entities, including private landowners, will only be affected where a federal nexus exists that involves federal funding, permitting or authorization. In most cases, consultation under Section 7 of the ESA is already occurring where links between activities on private lands and federal funding, permitting, or authorization exist and polar bears are present. Consultation is also occurring under the provisions of the Marine Mammal Protection Act, which also protects the polar bear.

7. Who will not be affected?
Non-federal entities will be unaffected except when there is a federal nexus triggering section 7 consultation. Thus, activities conducted by a landowner or operator of a business not involving federal funding, permitting or authorization would not be affected. Private landowners, corporations, state or local governments, tribes, or other non-federal landowners who are conducting activities that might incidentally harm (or "take") polar bears, whether or not those activities occur within designated critical habitat, are required to obtain an incidental take permit from the U.S. Fish and Wildlife Service, to avoid violating the ESA. Similar authorization must be given under the Marine Mammal Protection Act.

8. What are the Primary Constituent Elements used to determine polar bear critical habitat?

1) Space for individual population growth and for normal behavior;
2) Food, water, air, light, minerals, and other nutritional or physiological requirements;
3) Cover or shelter;
4) Sites for breeding, reproduction, or rearing (or development) of offspring; and
5) Habitats that are protected from disturbance or are representative of the historical, geographical, and ecological distributions of a species.

9. What areas are being proposed as critical habitat?

The proposal would designate habitat in three areas or units: barrier islands, sea ice and terrestrial denning habitat. The total area designated would cover 200,541 square miles. About 93 percent of the proposed critical habitat area is sea ice.

The barrier island habitat now proposed includes coastal barrier islands and spits along Alaska's northern coast. Terrestrial denning habitat is proposed to include lands within 32 km of the northern coast of Alaska between the Canadian border and the Kavik River, and within 8 km between the Kavik River and Barrow. In each case, these boundaries are informed by polar bear distribution data and encompass areas where 95 percent of bears were found to occur. Sea ice habitat is proposed as ice located over the continental shelf, where water depths are less than 300 meters.

If finalized, these proposed designations would only apply to the lands and waters of the United States. There are two polar bear populations that occur on U.S. territory: the Chukchi Sea population and the Southern Beaufort Sea population. The current population estimate for the Southern Beaufort Sea population is approximately 1500 animals. Although the Chukchi Sea population was estimated to be approximately 2000 animals at the time of the listing, it is now considered "unknown" due to several factors including uncertainties regarding polar bear movement and distribution associated with climate change.

10. Why were these three habitat categories selected?

Barrier island habitat is used by polar bears for denning, refuge from human disturbances, access to maternal dens and feeding habitat, and travel along the coast. Special management considerations and protections may be needed in these habitats to minimize the risk of human disturbances, as well as potential negative impacts from shipping and crude oil spills associated with oil and gas development and production, oil and gas tankers, and other marine vessels.

Appropriate terrestrial denning habitat allows pregnant females to balance their nutritional demands before and after denning. They select den locations that will provide an environment safe from predatory adult males, disturbance and adverse weather conditions – threats to which cubs are particularly vulnerable. Because of these factors, suitable terrestrial denning habitat located near the coast and those areas including the coastal barrier islands in northern Alaska is considered essential for the conservation of the species.

Sea ice habitat is essential to most polar bear activities. Polar bears evolved over thousands of years to life in a sea ice environment. They depend on the sea ice-dominated ecosystem to support essential life functions. Ice provides a platform for hunting and feeding, for seeking mates and breeding, for movement to terrestrial maternity denning areas, for resting and for long-distance movements.

The sea ice ecosystem also supports ringed seals, the primary prey of polar bears, and other marine mammals that are also part of their prey base.

Polar bears require a stable ice platform from which to hunt seals. This sea ice has to provide accessibility to seals either at breathing holes, the ice edge, or near leads, called polynyas. Thus the sea ice has to be in close proximity to these potential feeding areas. The highest densities of ringed and bearded seals occur in the shallower more productive marine waters over the continental shelf. Consequently, sea ice habitat adjacent to open water areas over the shallower waters is preferred polar bear habitat.

11. What are the benefits that accrue from a critical habitat designation?
Critical habitat designation increases the protections afforded a listed species by focusing attention on the species' habitat needs, and by ensuring that federal agency activities do not destroy or adversely modify designated areas. Section 7 of the ESA prohibits actions carried out, funded or authorized by a federal agency that destroy or adversely modify habitat that is "critical" to the species. For actions on private or other non-Federal lands that do not involve a federal nexus, designation of critical habitat alerts entities planning to undertake those activities to the potential of inadvertently causing harm or "take" to a listed species.

12. Does the area proposed as critical habitat remain critical habitat when the sea ice is not present at any given time?
Yes. Areas which are designated as critical habitat retain that designation even when the sea ice is not present for seasonal variations or other factors. If a proposed activity would take place at a time when the ice is likely to be absent, analysis under section 7 of the potential adverse effects of the activity would take that probable absence into consideration.

13. Why are only US lands designated as critical habitat?
The Service lacks legal authority to designate critical habitat outside the United States and its territories. According to the Fish and Wildlife Service/National Oceanic and Atmospheric Administration listing regulations (50 CFR Part 424 - Listing Endangered and Threatened Species and Designating Critical Habitat; § 424.12 Criteria for designating critical habitat, (h)), “Critical habitat shall not be designated within foreign countries or in other areas outside of United States jurisdiction.”

14. Will the proposed critical habitat, when finalized, affect the exemption for Alaska Natives? Will the critical habitat designation alter subsistence harvest regulations or impose additional restrictions?

No. A designation of critical habitat will not affect the provisions of the ESA for the continued subsistence harvest of polar bears.

15. Would the critical habitat area currently proposed at 200,541 square miles be the largest area of critical habitat designated by the Fish and Wildlife Service in the history of the Endangered Species Act?
The area proposed is the largest ever proposed by the Fish and Wildlife Service. The second largest critical habitat designation was made by the National Oceanic and Atmospheric Administration for the Stellar sea lion in Alaska for 136,000 square miles.

Basic Science and Conservation

16. Where do polar bears live?
Polar bears occur throughout most ice-covered seas in the Arctic, however, they are not evenly distributed throughout their range. They are generally found near the shore in shallow water, and in areas where ocean conditions bring nutrient-rich water near the surface and keep the ice from becoming too thick in winter. Over most of their range, male polar bears remain on the sea ice nearly year-round.

17. Where are polar bears found in America?
There are two polar bear populations that occur on U.S. territory: the Chukchi Sea population of unknown size that is shared with Russia, and the Southern Beaufort Sea population\ with an estimated 1,500 animals that is shared with Canada.

18. What legal protections are currently in place for the polar bear?
The polar bear is protected by the Marine Mammal Protection Act and as a threatened species under the ESA. The listing decision triggered a requirement under section 7 that federal agencies consult with the Service if their actions may affect the polar bear. In addition, the combination of the listing, along with MMPA protection, placed a moratorium on the importation of sport hunted trophies. The proposed critical habitat designation is the latest action taken to protect the polar bear as required by the ESA.

19. What is currently being done to protect polar bears in Alaska and internationally?
The Department of the Interior has an active polar bear management and research program in place. The management program includes cooperation and collaboration with a broad array of partners.

- The Fish and Wildlife Service is working with Alaska Natives to provide technical support for an Inupiat/Inuvialuit agreement between indigenous hunters of Alaska and Canada.

- The Service is participating in the U.S. – Russia Bilateral Agreement to develop population estimates and manage subsistence harvest of this shared population.

- The Department of the Interior continues to manage oil and gas operations to minimize impacts on resident wildlife, including polar bears. Implementation of

the ESA and use of Incidental Take Regulations established under the Marine Mammal Protection Act are important tools.

- The Department's research program includes studying polar bear population status and trends and conducting a variety of ecological investigations (including studies on the distribution and feeding ecology of on-shore bears, denning emergence patterns, and habitat relationships in the Southern Beaufort and Chukchi Seas).

- The Department and its collaborators conduct studies of polar bear behavior and distribution in areas of development and the presence of disease and contaminants in polar bears.

- This high-profile listing action helped renew interest by the Polar Bear Range States (signatories to the 1973 Agreement on the Management and Conservation of Polar Bears) to meet and address polar bear conservation issues.

- Finally, the Fish and Wildlife Service is taking steps to minimize bear-human interactions and their potential adverse effects.

More on these programs can be found at http://alaska.fws.gov/fisheries/mmm/polarbear/pbmain.htm and http://alaska.usgs.gov/science/biology/polar_bears/.

20. How much funding has the Fish and Wildlife spent on polar bear conservation efforts?

In FY 2009, the Service allocated an additional $650,000 to address high priority needs that included ESA and MMPA litigation related workload, initial implementation of the US/Russia Bilateral Agreement, and other ESA and MMPA management initiatives. The President's FY 2010 Budget includes a $3.2 million increase in base funding for polar bear conservation. This funding will enable the Service to address a number of immediate and critical issues including: ESA consultation and MMPA incidental take regulation workload; conservation and recovery planning with the Polar Bear Range States; implementation of the U.S. - Russia Bilateral Polar Bear Agreement; and harvest management with the Alaska Nanuuq Commission. In addition, an additional $1.2 million will be allocated directly from the Fish and Wildlife Service to high priority needs such as supporting development and implementation of community based polar bear/human interaction plans in North Slope villages, creating Service funded positions in North Slope villages to assist with communication and technical assistance, and support educational programs for Alaska Natives.

21. Are there updated population numbers or estimates since the listing of the polar bear?

Yes. Since the listing of polar bears as a threatened species on May 15, 2008, updated population estimates are now available for 2 of 19 subpopulations: the Barents Sea

estimated at 2,650 and the Davis Strait populations estimated at 2,142. The world-wide population of polar bears is still estimated to be between 20,000 and 25,000.

22. Why is sea ice important to the polar bear?

Polar bears are evolutionarily adapted to life on the sea ice. Polar bears require sea ice as a platform for hunting and feeding on seals, seasonal and long-distance movements, travel to terrestrial maternal denning areas, resting and mating. Polar bears are classified as an ice-obligate (ice restricted) species due to their dependence on the sea ice as a platform for resting, breeding and foraging. A majority of the polar bears in the U.S. population remain with the sea ice year-round and prefer the annual sea ice located over the continental shelf and areas near the southern ice edge for foraging.

In the winter, seals depend on holes or cracks in the ice to surface and breathe between long periods of swimming underwater. They also use small openings just under the surface of the ice for shelter. Polar bears anticipate this and generally catch their prey at those times. As the sea ice melts, access to prey becomes more difficult and the summer season becomes a fasting time for polar bears. It is easier for seals to reach the surface without encountering a bear as the sea ice recedes, while at the same time the bears lose their ability to wait and rest at places seals must visit. As a consequence, polar bears are forced onto ice over deeper, less productive Arctic waters where seals are less likely to occur, or even onto land where their food supply is extremely limited or non-existent. While this summer fasting cycle is a component of some polar bear populations' life history, as the ice melts earlier in the summer and re-freezes later in the fall, the bears must fast for progressively longer periods.

23. What is happening to the sea ice?

The scientific consensus is that Arctic sea ice habitat is declining due to melting from human-induced global warming, atmospheric changes (including circulation and clouds) and changes in oceanic circulation. As a result, sea ice is beginning to melt earlier in the summer, retreating farther during the late summer and early fall, and refreezing later in the fall than has ever been observed. In addition, research has demonstrated a decline in multi-year ice (ice that remains year round), and decreasing ice thickness. The length of the Arctic melt season is increasing by a rate of approximately 13.1 days per decade.

24. Will polar bears "adapt" to life on land?

Not likely. While many bear species are generally adaptable, polar bears, the largest of the bear species, differ from all other bear species because they specialize in a high-calorie, carnivorous diet. Their size, increased fat storage capability, and minimized heat loss make them uniquely suited for the Arctic environment. The decline of sea ice decreases access to their principal food supply and increases the amount of energy they must expend to reach the seals they do consume. The high fat content of seals helps them maintain their body size and their survival. No suitable alternative food source exists on land and, in some situations, when food is limited some polar bears have preyed on other polar bears. While species can and do adapt to changing environments, the time frame at which adaptation typically occurs is longer than the time frame in which polar bears are expected to experience a dramatic loss of habitat.

25. Some experts predict that the polar bear will largely be extirpated from the United States within the next 50 years regardless of what we do, because emissions that have already been released into the atmosphere will result in continued climate warming and additional loss of the polar bear's sea ice habitat. Can anything be done to save polar bears?

Inertia in the climate system means human reductions in greenhouse gas emissions will not immediately reduce global temperature or reverse sea ice decline. However, actions beginning in the next few years will help to prevent potentially catastrophic climate change, and hopefully may begin to show some effect in the next 30 to 50 years. Because the IPCC has now concluded, with certainty, that the current warming is mostly caused by human contributions of greenhouse gases, this warming can be reversed in the long run by appropriate human actions. Polar bear experts forecast that polar bears are most likely to survive in the Archipelago Ecoregion of Canada through the end of the century; therefore, action starting now could reverse the current trend in time to prevent polar bears from disappearing altogether. The Department is working with a diverse group of partners on research, monitoring and mitigation efforts designed to ensure that polar bears can recolonize suitable habitat if conditions improve in the future.

26. With the prediction that polar bear populations will be declining, subsistence harvest will become of increasing import and impact. How will we meet our obligations for ensuring continued subsistence harvest?

The Service recognizes the social and cultural importance of marine mammals to Alaska Natives and the special exemptions provided to Alaska Natives for a continued subsistence harvest under the Endangered Species Act. The agency will continue to work with partners in the Alaska Native community, including the Alaska Nanuuq Commission and the North Slope Borough, to meet, wherever possible, the dual requirements of conserving polar bear populations and providing for a continued subsistence harvest. Additionally, it is implementing the "Agreement between the Government of the United States of America and The Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population" which provides for a regulated harvest.

27. What is the primary prey base for polar bears?

Ringed and bearded seals are the primary prey for polar bears in Alaska. Polar bears also feed on walrus, beluga whales, and scavenge on other marine mammal carcasses. Though ringed and bearded seals are not currently protected under the ESA, the Department of Commerce's NOAA Fisheries is currently conducting a status review for these two species to determine if listing is warranted. Similarly, the Service recently initiated a review of the status of the Pacific walrus, after finding that a petition seeking to protect the walrus under the ESA presented substantial evidence that listing may be warranted. When the status review is completed, the Service will determine whether to propose the Pacific walrus for protection under the Act.

Climate Change

28. Are the Department of the Interior or the Fish and Wildlife Service doing anything to address or slow the rate of climate change?
The Department of the Interior has developed a clean energy strategy. Working with partners, DOI is significantly accelerating solar, wind, biomass and geothermal energy development projects in an environmentally responsible way on appropriate areas of Interior lands. In addition to reducing carbon-based greenhouse gas emissions, these alternative energy sources reduce dependence on foreign oil and generate new jobs.

In addition, Secretary of the Interior Ken Salazar recently signed a Secretarial Order establishing a framework through which the Fish and Wildlife Service and other Interior bureaus will coordinate climate change science and resource management strategies.

Actions to reduce levels of greenhouse gases in the Earth's atmosphere are crucial to addressing and slowing the rate of climate change, and are referred to as "mitigation." Under the guidance and authority of the Secretarial Order, the Fish and Wildlife Service has begun to implement a 5-year Action Plan to achieve the goals of the Service's *Strategic Plan for Responding to Accelerating Climate Change in the 21st Century.* Mitigation segments of the plan include making changes to reduce the "carbon footprint" of facilities, vehicles, workforce and operations in order to achieve carbon neutrality in the Service by 2020. The Service also is achieving mitigation by promoting conservation through biological carbon sequestration practices, such as restoring habitat with appropriate native trees that take up and store ("sequester") carbon dioxide. The Service's International Affairs' Wildlife Without Borders program also plays an important role in carbon sequestration. Working with international partners and stakeholders, the Service is providing technical assistance and funding to: a) change land management practices that contribute to high deforestation rates; and b) support carbon sequestration efforts through reforestation and habitat restoration initiatives that enhance connectivity.

MMPA and the 4(d) rule

29. What is a 4(d) rule?
For animal species listed as threatened, the Secretary has the discretion under section 4(d) of the ESA to determine in a special rule those prohibitions against take that are necessary and advisable for the conservation of that particular species. A 4(d) rule generally modifies the strict prohibition against take that applies to species listed as endangered.

30. What does the 4(d) rule provide regarding Federal agencies' responsibilities to consult under Section 7 of the Endangered Species Act?
The 4(d) rule does not in any way change the requirement under Section 7 of the ESA for Federal agencies to consult with the Service on actions that may affect the polar bear. In fact, the preamble to the 4(d) rule clearly states "The special rule does not remove or alter in any way the consultation requirements under section 7 of the ESA."

31. What does the 4(d) rule for the polar bear do?

For the polar bear, the 4(d) special rule: (a) in most instances, adopts the conservation regulatory requirements of the MMPA and the Convention on the Trade of Endangered Species (CITES) as the appropriate regulatory provisions for the polar bear; (b) provides that incidental take of polar bears resulting from activities outside the bear's current range is not prohibited under the ESA, although MMPA taking prohibitions continue to apply for both activities inside and outside the bear's current range; and (c) applies the standard ESA protections for threatened species when an activity is not covered by an MMPA or CITES authorization or exemption. Again, nothing in the 4(d) special rule alters the section 7 consultation requirements of the ESA.

32. What is the relationship between the special 4(d) rule and Section 7 consultation?

A special rule created under section 4(d) of the ESA does not remove or alter the requirement to consult under section 7 of the ESA. Therefore, even with a 4(d) special rule, a Federal agency must consult with the Service if a proposed action may affect a listed species to insure that the proposed action, whether authorized, funded, or carried out by the Federal agency, is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of its critical habitat.

33. How does the 4(d) rule address the ability to deter polar bears from certain areas?

The 4(d) special rule allows the continuation of appropriate, nonlethal polar bear deterrence techniques near Alaska communities and oil and gas production areas that prevent dangerous, and potentially lethal, situations that would otherwise arise due to the proximity of polar bears and people. These measures are authorized under the strict protections of the MMPA and have shown through their application that they further the conservation of the species.

Section 7 Consultation

34. Does the proposed critical habitat include areas where oil and gas development activities occur? If so, how will designating critical habitat affect these activities?

The areas of proposed critical habitat do encompass areas where oil and gas exploration activities are known to occur. These activities are already conducted subject to the provisions of the Marine Mammal Protection Act (MMPA), which provides significant protection for the polar bear.

Section 7 of the ESA requires federal agencies to ensure that the activities they authorize, fund or carry out are not likely to jeopardize the continued existence of the species or to destroy or adversely modify its critical habitat. If a federal action may affect the polar bear or its critical habitat, the permitting or action agency must enter into consultation with the Service. This applies to oil and gas development activities, as well as any other activity that may have an adverse effect on the species.

35. What are the effects of the proposed designation on existing/planned activities (e.g., offshore oil and gas development, onshore oil and gas development, ice breaking/expanded shipping routes)?
Predicting every potential specific effect of critical habitat designation on existing/planned activities is not possible. Once critical habitat designation is finalized, any proposed activity in the area would have to be analyzed under section 7 of the ESA to determine both the effects to the species and its designated critical habitat that may result from that activity. The magnitude of these effects would affect the outcome of the Fish and Wildlife Service's biological opinion. Most of these activities are already required to avoid jeopardy to the species, but under section 7, the Service will undertake a separate analysis to determine if actions may adversely modify critical habitat.

36. What additional activities could have an effect on polar bear critical habitat?
Other than the activities listed above (offshore oil and gas development, onshore oil and gas development, ice breaking/expanded shipping routes), activities that could affect polar bear critical habitat include military exercises, construction/maintenance of facilities, and contaminants clean-up activities, along with other types of onshore development (including infrastructure associated with communities).

37. If sea ice is designated as critical habitat and the polar bear is listed due to climate change, why doesn't the Service consult on greenhouse gas emissions?
Nothing in the 4(d) special rule affects an agency's obligation to consult with the Service under section 7 of the ESA. Section 7 consultation is triggered when a causal connection can be established between a proposed federal action and effects on a listed species or designated critical habitat. Climate change, as we understand it, is the cumulative result of a lot of activity over a long period of time and the current state of research on the effects of climate change on the global environment has focused more on aggregate or regional greenhouse gas emission sources and non-anthropomorphic effects. The current state of the science is unable to connect a particular source of greenhouse gas emissions to effects on listed species or critical habitat.

38. Will this always be the case? What if the state of the science improves?
We acknowledge that the development of knowledge and modeling capability relating to climate change is occurring at a rapid pace. Our response will be guided by the best available scientific information at the time.

39. Where can I get more information about today's proposal?
For more information about this critical habitat proposal and other issues on polar bear conservation, please visit the following websites:
www.fws.gov
http://www.fws.gov/home/feature/2008/polarbear012308/polarbearspromo.html
http://alaska.fws.gov/fisheries/mmm/polarbears/criticalhabitat.htm
http://www.fws.gov/endangered/

40. How can I comment on this proposal?

Comments on the critical habitat proposal will be accepted for 60 days after publication of the Rule. You may submit comments by one of the following methods:

- Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments. This method will be available upon publication of the rule in the Federal Register. We will post all comments on http://www.regulations.gov.
- U.S. mail or hand-delivery to Public Comments Processing, Attn: FWS-R7-ES-2009-0042; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203. These methods will be available upon publication of the rule in the Federal Register. We will post all comments on http://www.regulations.gov.