

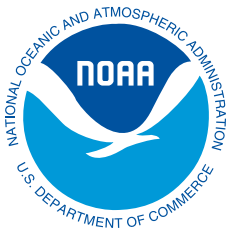
Comment Analysis Report

Prepared for:

for the

Proposed Endangered Species Act Listing of Bearded
and Ringed Seals

July 2011



NOAA – National Marine Fisheries Service

Comment Analysis Report

For the

Proposed Endangered Species Act Listing of Bearded and Ringed Seals

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LIST OF ACRONYMS

CAR	Comment Analysis Report
CBD	Center for Biological Diversity
CFR	Code of Federal Regulations
DPS	Distinct Population Segment
ESA	Endangered Species Act
FR	Federal Register
ID	Identification
MMPA	Marine Mammal Protection Act
NMFS	National Marine Fisheries Service
PDF	Portable Document Format
SOC	Statement of Concern
US	United States
USC	United States Code
USFWS	United States Fish and Wildlife Service

1.0 INTRODUCTION

1.1 BACKGROUND

On March 28, 2008, the National Marine Fisheries Service (NMFS) initiated status reviews of bearded seals (*Erignathus barbatus*), ringed seals (*Phoca hispida*), and spotted seals¹ (*Phoca largha*) under the Endangered Species Act (ESA)². On May 28, 2008, NMFS received a petition from the Center for Biological Diversity (CBD) to list these three species of seals as threatened or endangered under the ESA, primarily due to concerns about threats to their habitat from climate warming and loss of sea ice.

On September 8, 2009, the CBD filed a lawsuit in the United States (US) District Court for the District of Columbia alleging that NMFS failed to make the requisite 12-month finding on its petition to list the three seal species. Subsequently, the Court entered a consent decree under which NMFS agreed to finalize the status review of bearded and ringed seals and submit the 12-month findings to the Office of the Federal Register by December 3, 2010.

On December 10, 2010, NMFS published in the Federal Register (75 FR 77496) a proposed rule to list as a threatened species the Beringia Distinct Population Segment (DPS) and Okhotsk DPS of a subspecies of bearded seal (*Erignathus barbatus nauticus*). The proposed rule also determined that listing the second subspecies (*Erignathus barbatus barbatus*) was not warranted at that time.

In a separate action, NMFS also published in the Federal Register on December 10, 2010 (75 FR 77476) a proposed rule to list the Arctic (*Phoca hispida hispida*), Okhotsk (*Phoca hispida ochotensis*), Baltic (*Phoca hispida botnica*), and Ladoga (*Phoca hispida ladogensis*) subspecies of ringed seal as threatened with extinction throughout all or a significant part of its range.

¹ On October 20, 2010 NMFS issued a final determination to list the southern DPS of the spotted seal as a threatened species under the ESA. That action is not addressed in this report.

² Bearded, ringed, and spotted seals are referred to in this document collectively as “ice seals”.

1.2

THE ROLE OF PUBLIC COMMENT

The ESA of 1973 (16 United States Code [USC] 1531 et seq.) was signed into effect on December 28, 1973 to “provide for the conservation of endangered and threatened species of fish, wildlife, and plants, and for other purposes.” The responsibility for carrying out the ESA is shared between NMFS and the US Fish and Wildlife Service (USFWS). NMFS may initiate a status review under the ESA if a petition is made to list a species as threatened or endangered, reclassify a species, or revise the critical habitat of a species. When a status review of a species indicates that a listing is warranted, a proposed rule must be issued by NMFS in the Federal Register within one year of the petition. Comments are then solicited from the public and public hearings may be held. Section 4(a)(5) of the ESA of 1973 states:

(B) insofar as practical, and in cooperation with the Secretary of State, give notice of the proposed regulation to each foreign nation in which the species is believed to occur or whose citizens harvest the species on the high seas, and invite the comment of such nation thereon; (C) give notice of the proposed regulation to such professional scientific organizations as he deems appropriate; (D) publish a summary of the proposed regulation in a newspaper of general circulation in each area of the U.S. in which the species is believed to occur; and (E) promptly hold one public hearing on the proposed regulation if any person files a request for such a hearing within 45 days after the date of publication of general notice (16 USC 1533).

This framework establishes the need for public comment in the listing process. Once the public comment period is concluded, NMFS considers all comments received as well as any new information that may have emerged in that time. Within an additional year, NMFS issues a final determination on whether or not to list the species.

1.3

THE PUBLIC COMMENT PERIOD

The public comment period for the proposed listings of bearded and ringed seals was initiated on December 10, 2010 (75 FR 77496 and 75 FR 77476), and was originally proposed to end on February 8, 2011. Based on public requests, NMFS decided to extend the public comment period to March 25, 2011. Table 1 provides information on public hearings. Testimony was provided during three public hearings by various stakeholders including local and state government officials, Alaska Native village councils, subsistence hunters, industry, environmental groups, and the general public.

Table 1 **Public Hearing Information**

Date	Location	Number of Individuals Who Provided Testimony
March 7, 2011	Anchorage, Alaska	8
March 22, 2011	Barrow, Alaska	24
April 5, 2011	Nome, Alaska	9

2.0 **METHOD FOR THE ANALYSIS OF PUBLIC COMMENTS**

This Comment Analysis Report (CAR) serves as a summary of public comments received on the proposed ESA listings of bearded and ringed seals. It describes the method used by NMFS to review, sort, and synthesize comments into summary statements by issue category. As described in the following sections of this report, a careful and deliberate approach was undertaken to ensure that all substantive public comments were reviewed for consideration in the decision-making process. For the purposes of this analysis, NMFS defines a substantive comment as constituted assertions, suggested actions, data, background information or clarifications relating to the ESA listing of bearded seals and ringed seals.

2.1 **ISSUE CODING**

All submissions including letters, testimony, and electronic comments on the proposed listings were reviewed and logged into a database where each was assigned an automatic tracking number (Submission Identification [ID] number). Submissions were reviewed for specific substantive comments, which were recorded in the database and given a unique Comment ID (with reference to the original Submission ID) for tracking and synthesis. Substantive comments were then coded into a total of 13 issue categories (see Table 2).

Table 2 **Issue Categories**

Issue Code	Issue Text
CRI	Critical Habitat
DATA	Data and Data Analyses
EJ	Environmental Justice and Stakeholder Engagement
GEN	General Statements either in Support of or Opposed to Listing
IMP	Socioeconomic Impacts of Listing
MOD	Climate Models
PUB	Public Process, Public Hearings, and Extensions
REG	Regulatory and Legal Issues
RES	Research
STATUS	Population Status, Abundance, Distribution, and General Biology
SUB	Native Subsistence Uses, Harvests and Stakeholder Engagement
THR	Threats to Ice Seal Survival
TK	Traditional Knowledge

2.2 **STATEMENTS OF CONCERN**

A second review of the comments within each issue category was conducted to identify specific subcategories. These subcategories were then synthesized into succinct “statements of concern” (SOCs) that intend to capture the particular concern within each issue category. SOCs are not intended to replace actual comments. Rather, they summarize for the reader the range of concerns on a specific issue.

Each SOC was given a three- to six-character code, identifying the general issue category (*e.g.*, RES for Research), and numbered consecutively. For example, there are eleven SOCs under RES (RES 01, 02, 03, etc.). Each substantive comment was assigned to one or more SOCs, depending on content. See Section 5.0 for the list of SOCs.

3.0

OVERVIEW OF SUBMISSIONS

During the public comment period, NMFS accepted comments in the form of letters via mail, fax, electronically through the Federal eRulemaking portal at <http://www.regulations.gov>, and from public testimony at the public hearings (transcripts and written comments). Other than public testimony, commenters usually provided one copy of their submission for the ringed seal listing and one copy for the bearded seal listing. In total, there were 60 submissions received for bearded seals (Appendix A - Table A-1), and 56 for ringed seals (Appendix A - Table A-2). The analysis of comments and subsequent development of SOCs represents both species.

The testimony provided at the three public hearings often addressed both species at the same time. A total of 41 people provided oral testimony and 13 people submitted written comments at the three public hearings. Table 3 summarizes the percentage of submissions by commenter type. See also Table A-3 (Appendix A).

Table 3 *Percentage of Submissions By Commenter Type*

Commenter Type	Percentage of Submissions
Private Citizen	39%
Alaska Native	17%
Local Government	12%
Industry & Industry Association	13%
Non-Governmental Organization	5%
Native (non-U.S.)	4%
State Government	4%
Institution (Research)	2%
Non-U.S. Government	2%
Federal Government (U.S.)	1%

3.1 FORM LETTERS

A total of 5,238 form letters were received during the ESA-listing comment period between December 10, 2011 and March 25, 2011. All form letter submissions were received from members of CBD and were submitted together as one submission from the organization. This bulk submission was separated into individual submissions, and each letter was given a unique Submission ID for analysis.

The majority of form letters were from the U.S. or U.S. territories (4,700 of 5,238), with every state represented. Non-US addresses numbered 538. Figures 1 and 2 present the number of form letters by geographic location.

Figure 1 *Geographic Distribution of Form Letter Submissions by State and Territory*

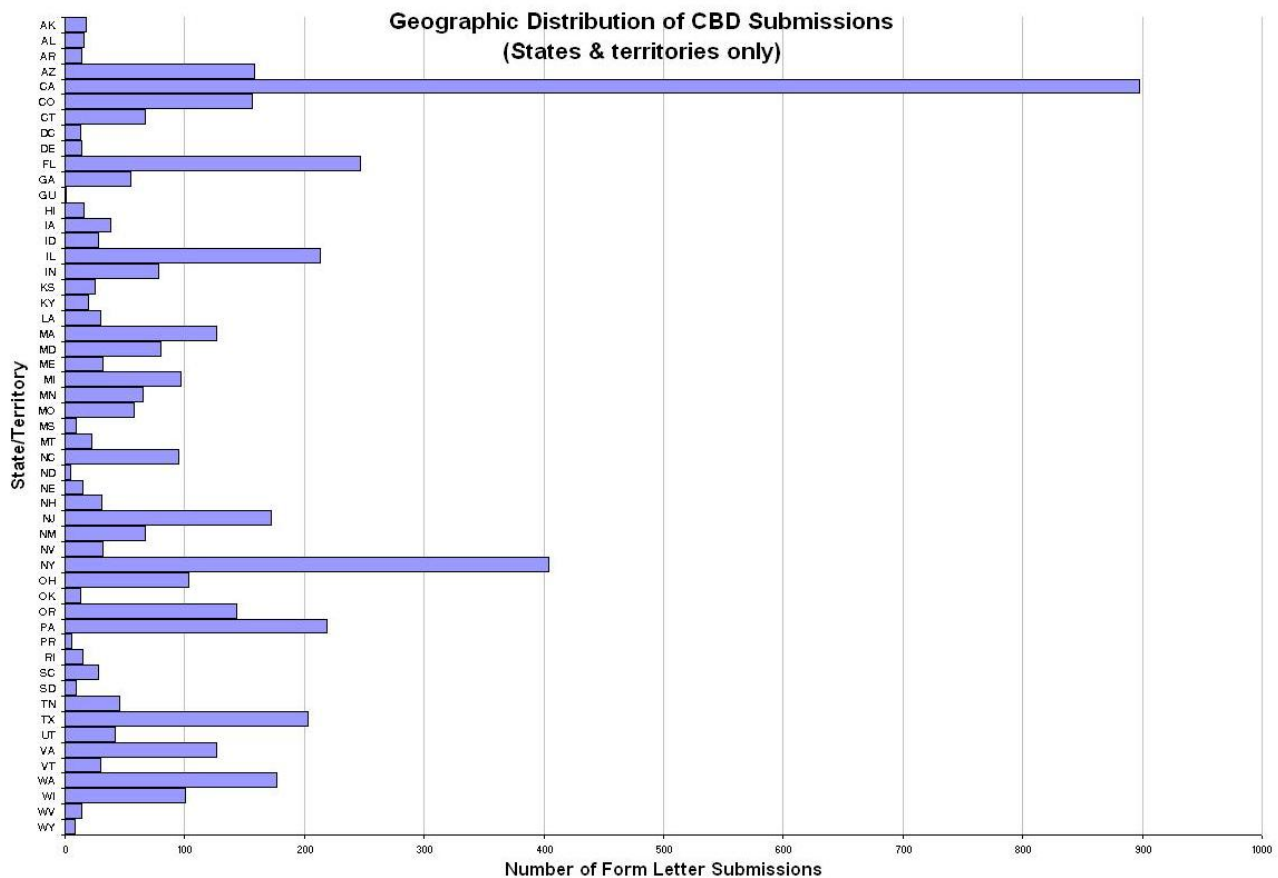
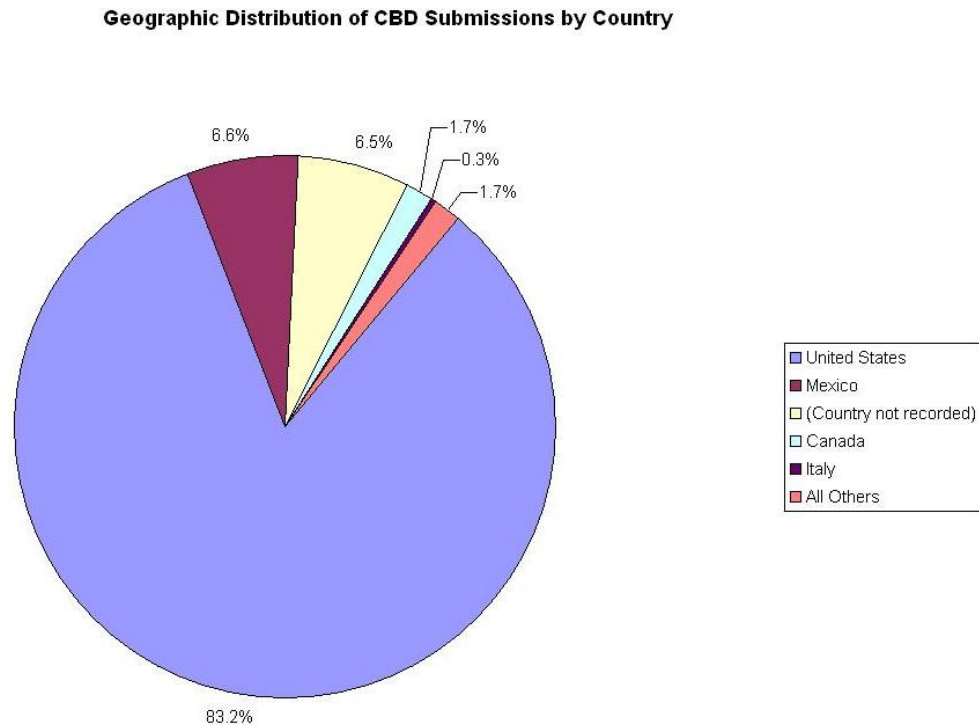


Figure 2 *Geographic Distribution of Form Letter Submissions by Country of Origin*



3.1.1 *Method for Analyzing Form Letter Submissions*

The submissions from CBD came as a single document in Adobe Acrobat™ Portable Document Format (PDF). As described above, this large document was separated into single pages programmatically and each page was treated as a single submission.

The standard text from the CBD form letter was analyzed for substantive comments, issue-coded using the method described in Section 2.0, and used to develop SOCs. Although CBD submitted a total of 5,238 form letters on behalf of their membership, the majority of form letter submissions were (nominally) identical. Therefore, the standard text for identical submissions was reviewed, analyzed, and coded only once.

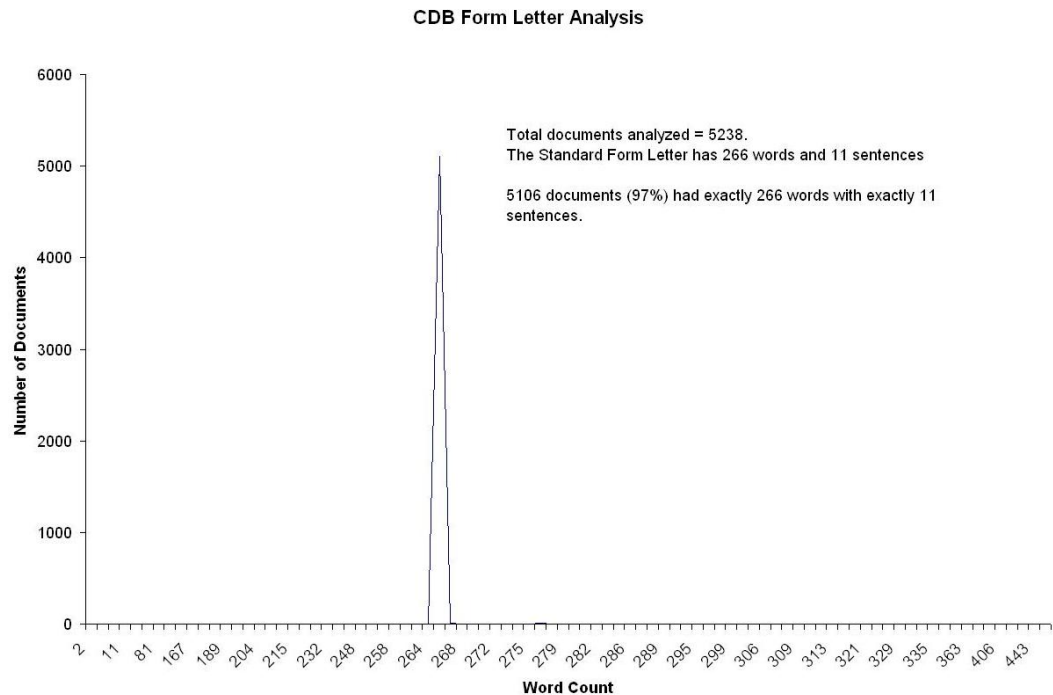
3.1.2 *Identifying Unique Comments in Form Letters Submissions*

Some CBD form letters received included an additional unique comment. These unique comments were reviewed such that any substantive comments were coded and included in development of the SOCs.

To identify unique comments the following automated process was used:

- The number of words in each submission was counted programmatically and compared to the word count (266) of the standard form letter text;
- The number of sentences in each CBD submission was compared to the number in the standard form letter (11); and
- Form letter submissions with significantly fewer or significantly greater words or sentences than the standard text were reviewed by staff to identify any additional unique comments.

Figure 3 *Results of Word Count Analysis of CBD Form Letters*



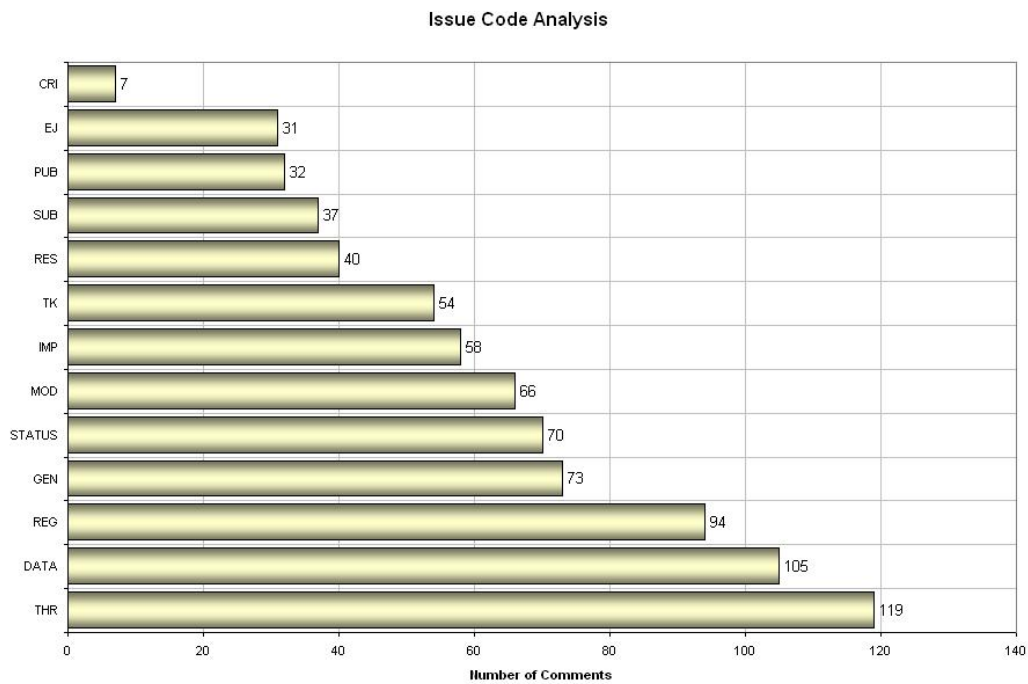
Analysis of the differences in word or sentence count determined that almost 97% of the form letters received had exactly the same number of words and number of sentences, meaning the letters were more than likely exactly the same. The 132 form letter submissions that were flagged as having a different word or sentence count were then reviewed for unique comments. Substantive unique comments were included in development of the SOC's.

4.0

ISSUES

A total of 786 substantive comments were identified by the analysis of the submissions received on bearded and ringed seals. Figure 4 shows the number of comments in each issue category as defined in Table 1.

Figure 4 *Issues Raised in Comments*



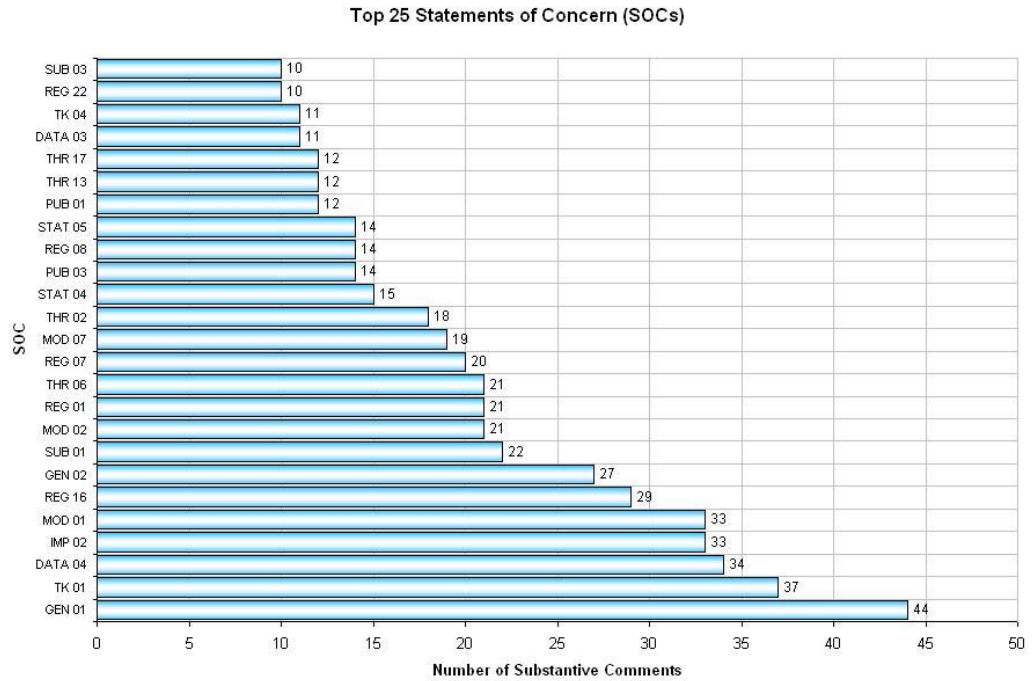
5.0

STATEMENTS OF CONCERN AND HOW TO FIND YOUR PUBLIC COMMENT

Figure 5 shows the SOCs most often identified in the analysis of the substantive comments as presented here. To assist the public in finding a summary of their substantive comment(s), a submission index (Appendix B) was created that lists all submissions alphabetically by the last name of the person, associated organization (if any), type of submission, and which SOCs summarize their comment(s). To find a comment, search for the name of the commenter in

Appendix B, note which SOCs are listed by their name, and then read those SOCs in listed in this section.

Figure 5 Top 25 Statements of Concern



CRI

Critical Habitat

- CRI 01 If NMFS issues final rules listing ringed and bearded seals under the ESA, the agency will then be required to develop proposed critical habitat designations which will consume even more time and resources. All told ESA listings and associated critical habitat designations will result in years of litigation while providing no new substantive protections for these species.
- CRI 02 Critical habitat for ringed and bearded seals is both prudent and determinable as required under the ESA and must include all principal biological and physical elements for these species.
- CRI 03 Critical habitat is not currently determinable. In order to to complete the critical habitat designation process NMFS would need to have a more complete knowledge of the essential physical and biological features of seal habitat. Designating critical habitat will require extensive additional study.
- CRI 04 Studies on seascape structure, especially during the reproductive period, are needed to determine areas of critical habitat.

DATA

Data and Data Analyses

- DATA 01 There are insufficient data on ice seal population dynamics, reproduction, habitat, prey dynamics, and food availability before a listing can be justified. More data are needed to better understand the local and regional variability of the Arctic sea ice itself, as well as other factors potentially affecting ice seals, such as ocean acidification, that are not well understood.
- DATA 02 Using the exact same data, this proposed listing contradicts NMFS's recent decision against listing the ribbon seal.

- DATA 03 ADF&G's Arctic Marine Mammal Program (AMMP) has essential information regarding ice seal biology. NMFS should have consulted with ADF&G before listing bearded and ringed seals. ADF&G is willing to cooperate with NMFS to determine how to prioritize data analyses.
- DATA 04 Sufficient scientific data or Traditional Knowledge on the current population status and future environmental threats to ice seals are not available or do not support the proposed listing.
- DATA 05 NMFS should use data available from an Alaskan industry group that is conducting a multi-year comprehensive, ecosystem-level environmental study of the OCS.
- DATA 06 The Arctic Marine Mammal Program is adequate to detect population status problems should they arise.
- DATA 07 ADF&G Subsistence Division has information regarding subsistence harvest of seals.
- DATA 08 ADF&G Division of Wildlife Conservation is developing a harvest monitoring program for ice seals.
- DATA 09 Baseline environmental information regarding sea ice modeling, water and air quality of the Arctic Ocean and the OCS is available from BOEMRE, the USACE and EPA.
- DATA 10 ADEC has information regarding contaminated sites adjacent to Arctic waters and sea ice conditions in the Beaufort, Chukchi and Bering Sea regions.
- DATA 11 ConocoPhillips has substantial knowledge, experience, and data regarding ice seal abundance, distribution and behavior.

- DATA 12 NMFS does not provide adequate rationale to explain why the Barents, White, and Kara seas region does not constitute a significant portion of the bearded seals' range.
- DATA 13 Data on seal pup mortality due to hypothermia (Hammill & Smith 1991) suggests that seal pups are largely unaffected by the snow depth of the subnivean layers, and are in fact much more tolerant of temperature extremes than is suggested in the NOAA proposal. If the premise for decreased snow depth is based on climate models which show a warming trend, then thermoregulation will be required by seal pups.
- DATA 14 There is no quantification of what constitutes endangered to extinction. Concluding that the Arctic ringed seal subspecies will decline from 2-3 million seals to a number low enough to be endangered with extinction should be accompanied with some quantification.

EJ Environmental Justice and Stakeholder Engagement

- EJ 01 It is important for American decision-makers to give proper weight to the political and cultural reality that the historic, current and enduring demographic make-up of the Arctic includes the Inuit of Canada as well as the Inuit of Alaska, Russia, and Greenland.
- EJ 02 Any enforcement should be done 'our way' to ensure conservation. We would like to make the laws. We do not want anyone from Juneau or Washington, D.C. to be making rules for our people.
- EJ 03 NMFS should provide local people with more information regarding agreements with the oil and gas industry.

EJ 04 While a number of our Arctic ice-dependent species are garnering attention from federal wildlife management agencies, we are concerned that the needs of our shareholders, members, and residents are being ignored.

EJ 05 The State of Alaska has no management authority over ice seals but competes with the Ice Seal Committee and other Native Organizations for limited funding of ice seal research dollars. The Ice Seal Committee has made the point to NMFS numerous times that funding for its co-management role is limited. There has been no appreciable increase in funding but NMFS has asked for more involvement from an already underfunded co-management partner.

GEN *General Statements either in Support of or Opposed to Listing*

GEN 01 General statements expressing opposition to listing bearded or ringed seal species.

GEN 02 General statements expressing support for listing bearded or ringed seal species.

GEN 03 Requests to reconsider the decision not to list the Atlantic subspecies of bearded seal as threatened.

GEN 04 The proposed rule (to which we are opposed) requires more long-term study, multi-sector consultation, and international cooperation that respects current management practices for Arctic ringed seals.

GEN 05 We concur that E.b. barbatus does not warrant listing at this time. However, NMFS should periodically re-evaluate the status of this subspecies as additional information is available.

- GEN 06 NMFS should determine if ringed seals in the Canadian Archipelago might be recognized as a discrete and significant population and excluded from the listing due to limited change in physical and ecological conditions projected for that area.
- GEN 07 NMFS should re-evaluate individual and cumulative threats to the Baltic and Ladoga subspecies of ringed seals and consider listing these species as endangered.
- GEN 08 When ringed seals are no longer able to reproduce and survive, it will further doom polar bears.
- GEN 09 Evidence clearly indicates that ice seals are threatened with extinction due to global warming. This change is affecting the entire ecosystem.

IMP Socioeconomic Impacts of Listing

- IMP 01 The listing of the animals would impact an area of national significance because of its critical importance to domestic oil and gas production and development. The oil and gas industry has been operating in the Alaskan Arctic Ocean and adjacent shoreline for over 30 years with no more than a negligible impact on ice seals or other marine mammals.
- IMP 02 If NMFS lists the bearded seals as endangered, a horrendous burden will be placed on the local communities of the Northwest Arctic Region. The listing process alone is causing our communities stress. The burdens to our communities on the coast in Alaska will likely be disproportionate to the burdens of other communities in the United States. Alaskan communities will feel the most impact.

- IMP 03 NMFS proposed listing of ice seals interferes with Alaska's management of the species and harms Alaska's sovereign interests. By displacing State statutes and regulations addressing Alaska's wildlife and natural resources, including the ringed and bearded seals, NMFS's listing decision impedes Alaska's ability to implement its own laws.
- IMP 04 NMFS's proposed listing of these species will cause substantial injury to Alaska's economic interests including those of municipal governments. State activities involving existing pipelines (including the TransAlaska Pipeline); roads; other industry and local infrastructure projects; ports and coastal infrastructure; coastal impact assistant programs; and local governments could be affected by the proposed rule.
- IMP 05 The proposed listing would result in ringed seals being listed under the Convention on the International Trade in Endangered Species (CITES) and will impact trade of seal products, a vital part of the Inuit subsistence lifestyle and economic independence. This will set a precedent for international policy on management and utilization of seal populations.
- IMP 06 Seals do not belong on the endangered species list, under CITES, or the International Union for Conservation of Nature (IUCN) as there is no sound biological basis for doing so.

MOD

Climate Models

- MOD 01 The proposed rule relies on speculative models of future threats to ice seals, not on reliable past or present scientific evidence that seal populations are decreasing or being adversely impacted by climate change. For example, previous studies have found that first-year ice rapidly accumulates snow due to topographical differences. Managers should be cautious to use the best available science when proposing to list a species. Conclusions about seal declines due to environmental change should be quantified.

- MOD 02 The proposed listing departs from other recent NMFS and USFWS listings by using large-scale models that predict climate change out to 100 years instead of reliable fine-scale modeling out to 50 years or mid-century. Large-scale models do not consider the expected increased accessibility to northern areas covered in multi-year ice. NMFS must explain this discrepancy by providing examples of specific improvements to the model that allow for longer term forecasting.
- MOD 03 The proposed rule should present all relevant data. Data on 2009 summer ice did not fit the model. This omission must be acknowledged and seal populations' responses quantified accordingly.
- MOD 04 Predicting climate change is made more difficult and uncertain by variables such as Pacific Decadal Oscillation.
- MOD 05 The proposed rule's snow depth analysis is accurate and the IPCC climate change redictions through 2100 represent the best-available science on future climate conditions.
- MOD 06 The sea ice analysis for the Okhotsk and Bering Seas in this proposed rule are improved and more transparent than the analysis in the 12-month findings for the ribbon and spotted seals.
- MOD 07 The coarse scale of the climate model predictions does not allow for assessments of future conditions at scales that are reasonable for considering ice seal responses. This application of broad, long range ice cover forecasts at low resolution does not consider these species' demonstrated ability to adapt to highly variable conditions. NMFS fails to show a link between declines in sea ice and detrimental effects on seal populations.

- MOD 08 The spatial scale of the climate models used by NMFS (5 to 10 kilometer resolution) does not appropriately capture the habitat features that are important to seals including ice thickness, ridges, narrow lead, and snow cover and drifts. This fine scale modeling is necessary to determine potential impacts on seals. Modeling should be verified by field observations.
- MOD 09 The use of climate change models is tenuous and uncertain, particularly for determining local or regional productivity and variability of sea ice. These models do not constitute use of data and should not be a substitute for more research on seals such as future changes in snow melt. Models should not be a substitute for addressing species' concerns through adaptive management.
- MOD 10 Listing any species based solely on model predictions is premature and sets a dangerous precedent.
- MOD 11 Model projections for seals do not show sea ice retreating in critical areas during the most important periods such as pupping and molting. NMFS should not list a species without collecting important data that would be useful for managing the species.

PUB *Public Process, Public Hearings, and Extensions*

- PUB 01 Comments asking for an extension of the original February 8, 2011 comment deadline because the timeline was inadequate to provide thoughtful, detailed responses.
- PUB 02 NMFS needs to employ other forms of communication to ensure that all stakeholders have an opportunity to learn and understand the proposals. Even though it may have been shared on paper or through computer, there are a lot of people that do not use that type of communication. There was short notice for this comment period and no actual date or time was shared with communities. Many people are frustrated and confused about what the listing would mean.

PUB 03 For the sake of meaningful public participation in this process, NMFS is urged to visit the affected communities, establish clear lines of communication, and discuss changes in management structure with each of the communities. Comments requesting additional public hearings, specifically in Barrow, Kotzebue, Kaktovik, Wainwright, Point Lay, Point Hope, and other locations in the North Slope and Northwest Arctic Boroughs given the importance of subsistence in those areas. Please consult with the Ice Seal Committee on this issue.

REG *Regulatory and Legal Issues*

REG 01 The seals and their habitat are sufficiently protected by international agreements, conservation programs, and laws, including the MMPA. NMFS should determine, as USFWS did with polar bears, that activities successfully regulated or exempted under these statutes need not be subjected to additional take regulations under the ESA.

REG 02 A 4(d) rule is appropriate under these circumstances because oil and gas activities covered by the rule are not a foreseeable threat to either seal subspecies, and the existing protections required under the MMPA provide a comprehensive program for the conservation of the seals.

REG 03 If NMFS promulgates both a final threatened listing decision and associated 4(d) rules, the 4(d) rules should limit application of the Section 9(a) prohibitions of the ESA so these prohibitions do not apply to activities: (i) authorized by and undertaken in compliance with the Marine Mammal Protection Act (“MMPA”); and (ii) occurring outside of the range of the listed subspecies of seals.

- REG 04 The State of Alaska's formal conservation measures are designed to improve the habitat and food supply of ringed and bearded seals in Alaska. NMFS's consideration of these formal conservation measures in the proposed ringed and bearded seal rules is extremely limited, without any supporting analysis. This summary dismissal of the State's conservation programs fails to comply with NMFS's affirmative statutory obligation under ESA Section 4(b), as well as the agency's own PECE policy construing ESA Section 4. 16 U.S.C. § 1533(b); § 1535(a).
- REG 05 Notwithstanding the proposed federal rules to list these species under the ESA, the State of Alaska has sovereign trustee responsibilities with respect to these species and takes an active role in protecting and conserving ringed and bearded seals, and their habitats and uses. The existing permitting requirements and protections provide sufficient protection for ice seals.
- REG 06 Seal hunters are already very familiar with the MMPA regulations. Alaska Natives can police themselves to conserve these two seal species if we were given the opportunity.
- REG 07 The process of listing the ringed and bearded seal as "threatened" under the ESA does not include adequate consultation with communities, including coastal communities and local leaders from the Northwest Arctic Borough, North Slope Borough, and Ice Seal Committee, who would be most directly impacted by this proposed action. Our trust is being eroded by the lack of consultation and opportunity to provide feedback as tribal governments.
- REG 08 The ESA was not intended as a means to regulate potential impacts from climate change. In addition, the proposed rule is not sensitive to local conditions.

- REG 09 The seals are not threatened under any of the factors set forth in the ESA for the listing of a species, other than projected/modeled threats from climate change, including sea ice loss. Therefore, ringed and bearded seals should not be considered for listing under the ESA.
- REG 10 ESA protection would provide time-tested tools to help save these seals from extinction, including protection of their important habitat and a recovery plan to help them survive.
- REG 11 Subsistence hunting can be regulated under the ESA but who is going to set harvest levels and determine or define what is "wasteful" versus "not wasteful"?
- REG 12 Removing a species from the ESA list is difficult. Listing a species prematurely can have ramifications for resource managers and could take away from efforts to better manage these species.
- REG 13 There have been no demonstrated links between declines in seal fitness and climate change. By listing bearded and ringed seals under the ESA, NMFS would set a precedent that would conceivably allow any species to be listed as long as modeling, not actual scientific observations, projects a future threat.
- REG 14 NMFS needs to engage in government-to-government consultation with Alaska Natives as required under federal law and policy. NMFS should also consult the Ice Seal Committee on the potential listing of ice seals under the ESA.
- REG 15 NMFS failed to involve Alaska state agencies in the development of the status reviews and the proposed rules. Alaska's State agencies are committed to working collaboratively with NMFS.

- REG 16 Ice seals currently have healthy, peak populations and occupy their entire historical range. Therefore, they do not qualify as "threatened" within the requirements of Section 4 of the ESA. Application of the ESA "take" prohibitions is not necessary. The best available science does not support the listing of select stocks of bearded and ringed seals.
- REG 17 We concur that *E.b.barbatus* does not warrant listing because it is currently abundant and its range is predicted to be less affected by climate change.
- REG 18 The proposed rule for the bearded seal fails to propose listing for the Atlantic subspecies, *E. barbatus barbatus*, despite evidence that it is threatened by sea ice loss throughout a significant portion of its range. NMFS's rationale for these determinations is not well supported. The best available science indicates that bearded seals are threatened throughout a significant portion of their range in the Barents, White, and Kara seas.
- REG 19 The proposed rules are inconsistent with a number of recent ESA listing decisions made by USFWS and NMFS such as the polar bear listing, the decision not to list the ribbon seal, and the designation of the Pacific walrus as a candidate species. These decisions were based on foreseeable future out to 45 years. NMFS's decision not to list ribbon seals further supports the conclusion that bearded and ringed seals should not be listed.
- REG 20 If NMFS promulgates 4(d) rules for ringed and bearded seals, it should limit application of the "take" prohibitions of the ESA in a manner similar in scope and effect to the 4(d) Rule issued by USFWS for the polar bear.

REG 21 Canada's sustainable approach to management of seal species' is acceptable within the NMFS framework and poses no significant threat to seals. NMFS should seek additional international and multi-sector dialogue before listing ringed seals as threatened under the ESA.

REG 22 The proposed rules provide no rationale (scientific or policy) explaining why the proposed "blanket" 4(d) rules are either necessary or advisable; nor is there any analysis based upon data, studies, or scientific findings. On this basis alone, the proposed 4(d) rules fail to meet the APA's "arbitrary and capricious" standard of review because the agency fails to show a "rational connection" between the facts found and the decision made.

RES ***Research***

RES 01 Recent research regarding sea ice structure can be used to determine critical habitat for the Beringia DPS of bearded seals.

RES 02 Current population status of ice seals needs to be determined and additional data on seal behavior are needed.

RES 03 Studies on the impacts of subsistence hunting on ice seals are needed.

RES 04 A research plan to address major uncertainties and information gaps revealed in the status review needs to be devised and implemented. More data are needed before deciding whether to list ice seals under the ESA.

RES 05 Data from subsistence harvest of ice seals should be collected to better assess seal demography, body condition, disease, contaminants, etc. NMFS should collaborate with Alaska Native communities to help gather these data.

- RES 06 Ice seals should be periodically re-evaluated as more information is learned.
- RES 07 NMFS should seek ways to coordinate ice seal research and management among the five nations that have management jurisdiction over the species.
- RES 08 NMFS should confer with the Department of State on ways to work within the Arctic Council and other institutions to increase collaboration of researchers and managers from Russia, Canada, Norway, Greenland, and the United States.
- RES 09 Fisheries and Oceans Canada is open to exploring potential areas for cooperation for improving our mutual understanding of Arctic seal populations, and the path forward for developing the tools that will allow for appropriate management of these populations in the future.
- RES 10 No conservation or other constructive purpose would be served by requiring the oil and gas industry and NMFS to duplicate their efforts under the MMPA and the ESA.
- RES 11 NMFS should continue to investigate ringed seal population structure.

STATUS *Population Status, Abundance, Distribution, and General Biology*

- STAT 01 Definitive population estimates or trends are not available for ice seals, making assessment of impacts on ice seal populations nearly impossible.
- STAT 02 There is no method available to get an accurate, quantitative population estimate of bearded seals that can be replicated.

- STAT 03 Findings from the 2009 and 2010 Draft Stock Assessment Reports are not in accord with the proposed listing. The proposed listings are not consistent with IUCN's current findings that ringed and bearded seals are species of least concern.
- STAT 04 Bearded and ringed seal subspecies designations are subjective and not based on definitive genetic studies. Subspecies designations need re-evaluation and more genetic studies; comparison between subspecies may not be valid. The rule is misleading by not emphasizing the uncertainty in the ringed seal subspecies designations and does not acknowledge the subjectivity of the subspecies designations.
- STAT 05 Ringed and bearded seals are adaptable and can use behavioral modifications to accommodate changing climatic conditions to maintain stable population levels. The fact that four subspecies of ringed seal currently live in areas with only annual ice indicates they can survive without multi-year ice. Ice seals should not be listed until reliable data exist indicating their populations are declining. Some habitat changes such as increased forage areas, may be beneficial to ice seals. Seals have survived previous warming periods which provides better evidence than predictive models.
- STAT 06 The proposed rule is not consistent with a prior finding by NMFS (73FR79825) that adaptations to declines in sea ice by ice seals is both relevant and significant.
- STAT 07 Ice seals require ice for birthing, rearing, and survival of pups.
- STAT 08 Research demonstrates there are no discrete DPS designations for the Atlantic subspecies of bearded seals so there are no assessments of DPS significance for *Erignathus barbatus barbatus*.
- STAT 09 NMFS should list the Okhotsk ringed seal subspecies as threatened under the ESA.

SUB

Native Subsistence Uses, Harvests and Stakeholder Engagement

- SUB 01 Ice seals have been a vital subsistence species for indigenous people in the Arctic and remain a fundamental resource for many of our northern coastal communities today. Seals provide nutrients, oil, and skins to make clothing and boots. We need these to get through the winter.
- SUB 02 In order to preserve Alaska Native cultures and traditions, we are concerned about conserving ice seals. Not only do we respect the intrinsic value of our entire region's wildlife, but we depend on them for our health and way of life.
- SUB 03 NMFS must take co-management with the Ice Seal Committee seriously and respect the Committee in this process. Before the subsistence hunt could be affected by federal management, NMFS needs to formally identify what additional measures would be required as well as what precise conditions the agency would consider before undertaking such measures.
- SUB 04 NMFS should institute a harvest monitoring system similar to that in place for fur seals in St. Paul and St. George Island, rather than continuing to rely on self-reporting (which is notoriously unreliable) and outdated partial estimates.
- SUB 05 NMFS should collaborate with the Alaska Native community to include seals taken in the subsistence harvest so data can be collected on demography, body condition, reproductive status, disease and parasites, contaminant loads, and other pertinent topics.
- SUB 06 Indigenous cultures in the Arctic are deeply concerned about global climate change and its impacts to subsistence resources, including ice seals.

- SUB 07 NMFS states in the Federal Register notice that it relies on co-management agreements with the Ice Seal Commission to manage hunting pressure. We note that this agreement largely pertains to cooperative research and a commitment to monitor that is not reflected in the data available in the stock assessment. The Ice Seal Commission requires a commitment to be consulted in future listing processes.
- SUB 08 The ESA is confusing and difficult for indigenous peoples and subsistence users, stakeholders and tribal governments to track. There is not enough known about the ESA and how it affects subsistence users.
- SUB 09 The Inuit (of Canada) right to harvest ringed seals and bearded seals is protected under the land claims agreement of each Inuit region as well as by recognition of Aboriginal and Treaty rights under Part II of Canada's Constitution Act (1982).
- SUB 10 The management plan that was required as part of the co-management agreement signed in 2006 cannot be located. Siberian hunters are subject to a limit on total allowable catch (BRT 2010).
- SUB 11 Past subsistence surveys should not be used as a way to set future harvest levels.

THR *Threats to Ice Seal Survival*

- THR 01 The loss of Atlantic bearded seals in the Barents, White, and Kara seas region would lead to a significant gap in the bearded seals' range.
- THR 02 Evidence clearly indicates that marine species, including ice seals, are threatened with extinction due to global warming, sea-ice loss and ocean acidification. Warming also threatens the hunting and food sharing cultures of the Arctic.

- THR 03 While future threats may arise from climate change, at this time there is no apparent immediate threat to the status of the bearded seal population off the coast of Alaska.
- THR 04 Ice seals are threatened by increased ship traffic and trade.
- THR 05 Ice seals are adaptable and have been shown to recover from impacts in a relatively short time. Also, interglacial periods can be considered better evidence for population persistence than predictive models of ice conditions and species extinction.
- THR 06 The subsistence harvest of bearded seals in U.S. waters does not constitute a significant risk factor for the Beringia distinct population segment of *E. b. nauticus*. Likewise, hunting of ringed seals by Alaska Natives and Inuit of Canada is not a substantial threat to the species. There is no basis for imposing any new restrictions on the subsistence harvest.
- THR 07 Contaminants and pollution from industry or other activities outside the region have been shown to affect the seals.
- THR 08 Shell's decision to pursue an aggressive exploration plan for 2012-2013 within the range of (sic) threatened ringed and bearded seals is cause for serious concern.
- THR 09 Predation could become a greater threat to pups if sea ice loss results in land-based or shorefast pupping of bearded seals, or if it leads to deteriorating birth lair conditions for ringed seals that leaves them more vulnerable to polar bears.
- THR 10 Declines in benthic biodiversity due to ocean warming should be determined to be a threat to the Beringia DPS of the bearded seal

- THR 11 A more thorough assessment of seal habitat and population responses is needed before the threat of extinction from potential sea ice loss can be assessed with any reasonable level of certainty. The current status of the other subspecies indicates that ringed and bearded seals can survive without multi-year ice.
- THR 12 Existing regulatory mechanisms in the United States and elsewhere are not adequate to address the factors driving climate disruption (i.e., greenhouse gas emissions). U.S. agencies are either failing to implement or only partially implementing laws for greenhouse gases. The continued failure of the U.S. government and international community to implement effective and comprehensive greenhouse gas reduction measures places ringed and bearded seals at ever-increasing risk, where the worst-case IPCC scenarios are becoming more likely.
- THR 13 The Arctic ecosystem upon which ice seals depend is declining rapidly due to global warming; making protection of ice seals a top priority.
- THR 14 The Arctic ecosystem is currently healthy and productive and is able to support healthy ice seal populations.
- THR 15 Sea ice loss predictions by NMFS for Hudson Bay, Canadian Arctic Archipelago and Baffin Bay were overly optimistic; thus bearded seals are threatened across all of their range.
- THR 16 Sea ice concentration thresholds used by the biological review team may have over-estimated the ability of ice seals to use marginal sea ice habitat.
- THR 17 Because ice seal ecology and habitat is not currently known, critical habitat and future threats to ice seals cannot be determined.

- THR 18 Ringed and bearded seals face additional threats from proposed oil and gas development off Alaska's shores in the Chukchi Sea. The government has acknowledged that there is no technology to effectively clean up an oil spill in these ice-filled waters, and a large oil spill could be devastating to seals.
- THR 19 It is unclear whether NMFS will have the authority to undertake measures to address the underlying threat of climate change and reductions in sea ice. While the ESA has been an effective tool for focusing management and conservation efforts with respect to at risk species, it is unclear how it can be applied to protect ringed or bearded seals or other species that depend upon sea ice. We are concerned that the ultimate result of this listing will be no benefit to ice seals, while additional burdens will be placed on Arctic residents who can do little to reverse current trends of sea ice loss.
- THR 20 NMFS appropriately acknowledges that the subsistence harvest of ringed and bearded seals does not currently threaten seal populations.
- THR 21 Based on numerous observations of ice seals by indigenous peoples of the Arctic, NMFS's argument that populations are declining due to global warming is erroneous.
- THR 22 NMFS characterization of threats is insufficient as it lacks: scope; third party review; tribal involvement; international input; interdisciplinary collaboration; disclosures of NMFS preparers; uncertainty statements; and range of cumulative impacts.
- THR 23 Given that the ESA listing of the polar bear as threatened suggests that polar bear numbers will decrease with warming temperatures, it appears unlikely that polar bear predation on ringed and bearded seals will increase in the future.

- THR 24 The Sairnaa, Baltic and Ladoga subspecies of ringed seals are subject to mortality due to fishing gear, industrial pollution, and disturbance of summer haul-out areas. As denning conditions deteriorate, predation by canids and birds of prey will increase.
- THR 25 NMFS has underestimated the threats to bearded seals from overfishing and native subsistence hunting.
- THR 26 Oil and gas activities in the arctic are not likely to contribute to a potential future decrease in either the bearded seal or ringed seal populations, or their respective habitats.

TK *Traditional Knowledge*

- TK 01 A systematic review and understanding of Native Traditional Knowledge of ice seals is needed. Traditional Knowledge has been left out of this decision.
- TK 02 Our ability to safely utilize these areas today, and to survive as a culture, depends on our attention to and respect for this Traditional Knowledge.
- TK 03 NMFS would greatly benefit from the experience and knowledge of our hunters and other acknowledged experts who share the Arctic environment with the ringed and bearded seals.
- TK 04 Comments sharing observations from local users regarding ice seal ecology, health and abundance, behavior, and habitat. Traditional Knowledge suggesting that seals are healthy and abundant and that NMFS should consider these observations as it prepares the final rule.
- TK 05 A better understanding of bearded seal behavior and adaptability through further research and review of Traditional Knowledge could help determine if any change in seasonal sea ice distribution will impact seal population health or persistence.

TK 06

Whatever happens in the future, I will continue to hunt seals until I get old and so will other hunters in Arctic communities.

Appendix A
Submissions Received By Entity

Table A-1 Submissions Received on the Proposed Listing of Bearded Seals By Entity

Name	Organization Name
Aatami, Pita	Makivik Corporation
Ahmasuk, Austin	Private Citizen
Albrecht, Michael	Private Citizen
Amos, Howard	Private Citizen
Barr, Rosie	Nana Regional Corporation, Inc.
Bauer, Kim	Private Citizen
Bullard, Loretta	Kawerak, Inc.
Childs, Susan	Shell Offshore, Inc. & Shell Gulf of Mexico, Inc.
Cronin, Matthew	University of Alaska Fairbanks
Gilbert, Gregor	Makivik Corporation
Hall, Marleanna	Resource Development Council for Alaska
Haskins, Bill	Center for Biological Diversity
Heinold, Wesley	Conoco Phillips Alaska, Inc. and ConocoPhillips Company
Itta, Edward	North Slope Borough
Itta, et. al., Edward	Arctic Slope Regional Corporation, Inupiat Community of the Arctic Slope, North Slope Borough
Kegler, Lori	Private Citizen
Kemppel, Denali	Arctic Slope Regional Corporation
Kullman, Marie	Private Citizen
Lavoie, Nathalie	Fisheries and Oceans Canada
Leppo, Jeffrey	Alaska Oil and Gas Association; American Petroleum Institute
Lish, Christopher	Private Citizen

Macrander, A.	Shell Exploration & Production Company
Marmorstein, Diana	Private Citizen
Montana, Susana	Private Citizen
Moore, Megan	The National Humane Educational Society
Morse, Sherry	Private Citizen
[Not Available]	Private Citizen
Okleasik, Ukallaysaaq	Northwest Arctic Borough
Olemaun, Thomas	Native Village of Barrow Inupiat Traditional Govt
Pederson, Michael	Ice Seal Committee - North Slope Borough Dept. of Wildlife Management
Pokiak, Frank	Inuvialuit Game Council
Public, Jean	Private Citizen
Ragen, Timothy	Marine Mammal Commission
Ranger, Richard	Energy American Petroleum Institute (API)
Ray, G.	University of Virginia
Roets, Eric	Private Citizen
Schoellhorn, Bill	Statoil USA E&P Inc.
Shears, Robert	Chukchi resident
Shiedt, Sr, Enoch	Maniilaq Association
Simon, Mary	Inuit Tapiriit Kanatami
Snyder, Rex	Private Citizen
Tahara, Nobuko	Private Citizen
Towtongie, Cathy	Nunavut Tunngavik Incorporated
Vincent-Lang, Douglas	Alaska Department of Fish and Game
Washington, et. al., Mona	Buckland IRA Council
Whiting, Alex	Native Village of Kotzebue
Whorley, David	Fisheries and Oceans Canada

Williams, Kate	Alaska Oil and Gas Association
Wolf, Shaye	Center for Biological Diversity, Greenpeace
Young, Sharon	The Humane Society of the US

Table A-2 *Submissions Received on the Proposed Listing of Ringed Seals By Entity*

Name	Organization Name
[NotAvailable]	Private Citizen
@live.com, Usacitizen1	Private Citizen
Aatami, Pita	Makivik Corporation
Ahmasuk, Austin	Private Citizen
Albrecht, Michael	Private Citizen
Barr, Rosie	Nana Regional Corporation, Inc.
Bauer, Kim	Private Citizen
Bullard, Loretta	Kawerak, Inc.
Cahill, Rob	Fur Institute of Canada
Cale, Melissa	Private Citizen
Childs, Susan	Shell Offshore, Inc. & Shell Gulf of Mexico, Inc.
Cronin, Matthew	University of Alaska Fairbanks
Gilbert, Gregor	Makivik Corporation
Hall, Marleanna	Resource Development Council for Alaska
Haskins, Bill	Center for Biological Diversity
Heinold, Wesley	Conoco Phillips Alaska, Inc.
Itta, Edward	North Slope Borough
Itta, et. al., Edward	Arctic Slope Regional Corporation, Inupiat Community of the Arctic Slope, North Slope Borough

Jessen, Amalie	Government of Greenland
Kegler, Lori	Private Citizen
Lavoie, Nathalie	Fisheries and Oceans Canada
Leppo, Jeffrey	Alaska Oil and Gas Association; American Petroleum Institute
Leppo, Jeffrey	Conoco Phillips Alaska, Inc.
Lish, Christopher	Private Citizen
Lockyer, Christina	North Atlantic Marine Mammal Commission
Lynch, Wayne	Government of Nunavut
Macrander, A.	Shell Exploration & Production Company
Marmorstein, Diana	Private Citizen
Montana, Susana	Private Citizen
Moore, Megan	The National Humane Educational Society
Nicolos, Tiffany	Arctic Slope Regional Corporation
Okleasik, Ukallaysaaq	Northwest Arctic Borough
Olemaun, Thomas	Native Village of Barrow Inupiat Traditional Govt
Pederson, Michael	Ice Seal Committee - North Slope Borough Dept. of Wildlife Management
Pokiak, Frank	Inuvialuit Game Council
Ragen, Timothy	Marine Mammal Commission
Ranger, Richard	Energy American Petroleum Institute (API)
Ray, G.	University of Virginia
Roets, Eric	Private Citizen
Schoellhorn, Bill	Statoil USA E&P Inc.
Shiedt, Sr, Enoch	Maniilaq Association
Simon, Mary	Inuit Tapiriit Kanatami
Sinskichott, Christina	Private Citizen

Snyder, Rex	Private Citizen
Tahara, Nobuko	Private Citizen
Towtongie, Cathy	Nunavut Tunngavik Incorporated
Vincent-Lang, Douglas	Alaska Department of Fish and Game
Washington, et. al., Mona	Buckland IRA Council
Whiting, Alex	Native Village of Kotzebue
Whorley, David	Fisheries and Oceans Canada
Williams, Kate	Alaska Oil and Gas Association
Wolf, Shaye	Center for Biological Diversity, Greenpeace
Young, Sharon	The Humane Society of the US

Table A-3 *List of Commenters Providing Testimony at Public Hearings*

Public Hearing	Name	Organization Name
Anchorage - 03/07 /11	Hall, Marleanna	Resource Development Council for Alaska
	Imm, Teresa	Arctic Slope Regional Corporation
	Levine, Michael	Oceana
	Noblin, Rebecca	Center for Biological Diversity
	Rea, Caryn	Conoco Phillips Alaska, Inc.
	Shiedt, Sr Enoch	Maniilaq Association
	Vincent-Lang, Douglas	Alaska Department of Fish and Game
	Williams, Kate	Alaska Oil and Gas Association
Barrow - 03/22/11	Adams, Billy	None
	Ahmaogak, Sr. George	None
	Brower, Gordon	None
	Brower, Harry	None
	Brower, III, Thomas	None

Public Hearing	Name	Organization Name
	George, Craig	None
	Glenn, Richard	None
	Hepa, Taqulik	None
	Herreman, Jason	None
	Itta, Edward	North Slope Borough
	Monigold, Karmen	None
	Olemaun, George	None
	Oomittuk, Jr., Othniel	None
	Patkotak, Ethel	None
	Pederson, Michael	Ice Seal Committee - North Slope Borough Dept. of Wildlife Management
	Peetook, Rossman	None
	Rexford, Sr. Julius	Native Village of Point Lay
	Sage, Joe	None
	Schaefer, Jack	Point Hope
	Schaefer, Jack (Spoke twice)	Point Hope
	Shiedt, Sr. Enoch	Maniilaq Association
	Suydam, Robert	None
	Tagarook, Terry	None
Nome - 04/05/11	Brown, Nora	Native Village Council, White Mountain
	Fosdick, Rose	None
	Kvairlook, Frank	None
	Mendenhall, Perry	None
	Pederson, Michael	Ice Seal Committee - North Slope Borough Dept. of Wildlife Management
	Saccheus, Joel	None

Public Hearing	Name	Organization Name
	Shiedt, Sr. Enoch	Maniilaq Association
	Sloan, Michael	Nome Eskimo Committee Tribal Resources
	Tahbone, Sandra	Ice Seal Committee - Kawerak representative

Appendix B
Submission Index of Substantive
Comments

<u>Name/Organization</u>	<u>Submission Number</u>	<u>Received On</u>	<u>Submission Source</u>	<u>Number of Substantive Comments</u>	<u>* Concern Codes</u>
Aatami, Pita <i>Makivik Corporation</i>	189	2/8/2011	eRulingMaking Portal	11	DATA 04; DATA 13; GEN 01; MOD 03; MOD 07; MOD 08; MOD 09; THR 03; THR 23
Ablowaluk, Jamie <i>Self</i>	5622	4/5/2011	eRulingMaking Portal	2	PUB 02; SUB 01
Adams, Billy <i>Private Citizen</i>	364	3/22/2011	Barrow Public Hearing Testimony	4	DATA 04; GEN 01; IMP 02; THR 17
Ahmaogak, George <i>Self</i>	5630	3/22/2011	eRulingMaking Portal	11	DATA 04; GEN 01; IMP 02; MOD 07; MOD 08; REG 07; REG 12; REG 14; REG 22; TK 01; TK 04
Ahmaogak, Sr., George <i>Private Citizen</i>	361	3/22/2011	Barrow Public Hearing Testimony	13	DATA 01; DATA 04; GEN 01; IMP 02; MOD 07; MOD 08; PUB 03; REG 07; REG 16; STAT 05; TK 01

* Some commenters expressed the same concern in more than one of their comments. In these cases, only one instance of a Concern Code is shown

<u>Name/Organization</u>	<u>Submission Number</u>	<u>Received On</u>	<u>Submission Source</u>	<u>Number of Substantive Comments</u>	<u>* Concern Codes</u>
Ahmasuk, Austin <i>Private Citizen</i>	143	3/31/2011	eRulingMaking Portal	19	EJ 05; GEN 02; IMP 02; REG 07; REG 16; STAT 07; THR 02; THR 09; THR 13; THR 18; THR 22; THR 25; TK 01
Albrecht, Michael <i>Private Citizen</i>	99	2/13/2011	eRulingMaking Portal	1	GEN 02
Amos, Howard <i>Private Citizen</i>	95	2/9/2011	eRulingMaking Portal	3	REG 07; SUB 01
Barr, Rosie <i>Nana Regional Corporation, Inc.</i>	139	3/30/2011	eRulingMaking Portal	6	DATA 04; IMP 02; MOD 01; MOD 07
Bauer, Kim <i>Private Citizen</i>	97	2/13/2011	eRulingMaking Portal	3	GEN 02; THR 13

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<u>Name/Organization</u>	<u>Submission Number</u>	<u>Received On</u>	<u>Submission Source</u>	<u>Number of Substantive Comments</u>	<u>* Concern Codes</u>
Brower, Harry <i>Private Citizen</i>	366	3/22/2011	Barrow Public Hearing Testimony	7	MOD 02; MOD 09; PUB 02; REG 07
Brower, III, Thomas <i>Private Citizen</i>	362	3/22/2011	Barrow Public Hearing Testimony	2	IMP 02; TK 01
Brown, Nora <i>Native Village Council</i>	344	4/5/2011	Nome Public Hearing Testimony	3	IMP 02; REG 16; SUB 01
<i>Native Village Council White Mountain</i>	5619	4/5/2011	eRulingMaking Portal	4	IMP 02; PUB 02; SUB 01; TK 04
Bullard, Loretta <i>Kawerak, Inc.</i>	165	1/21/2011	eRulingMaking Portal	2	PUB 01

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Cahill, Rob <i>Fur Institute of Canada</i>	5631	2/8/2011	eRulingMaking Portal		GEN 04; MOD 07; REG 03; REG 21; RES 02; RES 04; THR 06
Cale, Melissa <i>Private Citizen</i>	15	3/19/2011	eRulingMaking Portal	1	GEN 02
Childs, Susan <i>Shell Offshore, Inc. & Shell Gulf of Mexico, Inc.</i>	119	3/25/2011	eRulingMaking Portal	4	GEN 01; REG 20; THR 26
Cronin, Matthew <i>University of Alaska Fairbanks</i>	12	3/16/2011	eRulingMaking Portal	10	DATA 01; DATA 14; MOD 01; MOD 02; MOD 03; STAT 01; STAT 04; STAT 05
	103	3/16/2011	eRulingMaking Portal	10	MOD 01; MOD 03; MOD 09; REG 16; STAT 04; STAT 08

* Some commenters expressed the same concern in more than one of their comments. In these cases, only one instance of a Concern Code is shown

<u>Name/Organization</u>	<u>Submission Number</u>	<u>Received On</u>	<u>Submission Source</u>	<u>Number of Substantive Comments</u>	<u>* Concern Codes</u>
Fosdick, Rose <i>Private Citizen</i>	346	4/5/2011	Nome Public Hearing Testimony	3	IMP 02; SUB 01
George, Craig <i>Private Citizen</i>	369	3/22/2011	Barrow Public Hearing Testimony	4	MOD 01; REG 08; THR 07
Glenn, Richard <i>Private Citizen</i>	368	3/22/2011	Barrow Public Hearing Testimony	3	THR 17; TK 04
Hall, Marleanna <i>Resource Development Council for Alaska</i>	107	3/22/2011	eRulingMaking Portal	10	GEN 01; IMP 01; MOD 01; REG 01; REG 08; REG 09; REG 16
	349	3/7/2011	Anchorage Public Hearing Testimony	4	GEN 01; IMP 01; REG 01; REG 09

* Some commenters expressed the same concern in more than one of their comments. In these cases, only one instance of a Concern Code is shown

<u>Name/Organization</u>	<u>Submission Number</u>	<u>Received On</u>	<u>Submission Source</u>	<u>Number of Substantive Comments</u>	<u>* Concern Codes</u>
Haskins, Bill <i>Center for Biological Diversity</i>	111	3/25/2011	eRulingMaking Portal	7	GEN 02; REG 10; THR 02; THR 13; THR 18
Heinold, Wesley <i>Conoco Phillips Alaska, Inc. and ConocoPhillips Company</i>	123	3/25/2011	eRulingMaking Portal	8	DATA 11; GEN 01; IMP 01; MOD 02; MOD 09; REG 16; REG 22; THR 26
 <i>Conoco Phillips Alaska, Inc.</i>	167	1/21/2011	eRulingMaking Portal	6	IMP 01; PUB 01
Hepa, Taqulik <i>Private Citizen</i>	367	3/22/2011	Barrow Public Hearing Testimony	7	DATA 04; GEN 01; IMP 02; MOD 01; REG 01; REG 08; THR 02; THR 17
	378	3/22/2011	Barrow Public Hearing Testimony	1	IMP 02

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<u>Name/Organization</u>	<u>Submission Number</u>	<u>Received On</u>	<u>Submission Source</u>	<u>Number of Substantive Comments</u>	<u>* Concern Codes</u>
Herreman, Jason <i>Private Citizen</i>	373	3/22/2011	Barrow Public Hearing Testimony	5	MOD 08; MOD 10; MOD 11; REG 12
Imm, Teresa <i>Arctic Slope Regional Corporation</i>	352	3/7/2011	Anchorage Public Hearing Testimony	8	DATA 01; DATA 04; GEN 01; MOD 01; MOD 07; REG 16; SUB 01; TK 01
Itta, Edward <i>North Slope Borough</i>	177	2/2/2011	eRulingMaking Portal	5	PUB 01; PUB 03; REG 07; SUB 03
	355	3/22/2011	Barrow Public Hearing Testimony	15	DATA 04; GEN 01; IMP 02; MOD 02; REG 01; REG 08; REG 16; TK 01

* Some commenters expressed the same concern in more than one of their comments. In these cases, only one instance of a Concern Code is shown

<u>Name/Organization</u>	<u>Submission Number</u>	<u>Received On</u>	<u>Submission Source</u>	<u>Number of Substantive Comments</u>	<u>* Concern Codes</u>
Itta, et. al., Edward <i>Arctic Slope Regional Corporation, Inupiat Community of the Arctic Slope, North Slope Borough</i>	133	3/25/2011	eRulingMaking Portal	48	CRI 03; DATA 04; EJ 04; GEN 01; IMP 03; MOD 01; MOD 02; MOD 07; MOD 08; MOD 09; MOD 10; PUB 03; REG 01; REG 07; REG 08; REG 16; STAT 01; STAT 05; SUB 01; SUB 06; THR 03; THR 08; THR 11; THR 17; THR 19; THR 20; TK 01; TK 03
	145	3/31/2011	eRulingMaking Portal	36	CRI 03; DATA 04; GEN 01; IMP 02; MOD 01; MOD 02; MOD 08; MOD 10; PUB 03; REG 01; REG 12; REG 16; STAT 01; STAT 05; THR 03; THR 14; THR 17; TK 01; TK 03
Jessen, Amalie <i>Government of Greenland</i>	201	2/8/2011	eRulingMaking Portal	9	GEN 01; IMP 06; MOD 01; MOD 08; MOD 11; REG 01; REG 03; REG 09; RES 09; SUB 01
Karawlook, Frank <i>Native Village of Koyuk</i>	5625	4/5/2011	eRulingMaking Portal	1	SUB 01

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<u>Name/Organization</u>	<u>Submission Number</u>	<u>Received On</u>	<u>Submission Source</u>	<u>Number of Substantive Comments</u>	<u>* Concern Codes</u>
Kegler, Lori <i>Private Citizen</i>	98	2/14/2011	eRulingMaking Portal	1	GEN 02
Kemppel, Denali <i>Arctic Slope Regional Corporation</i>	171	1/23/2011	eRulingMaking Portal	1	PUB 03
	191	2/10/2011	eRulingMaking Portal	1	PUB 03
Kullman, Marie <i>Private Citizen</i>	100	2/18/2011	eRulingMaking Portal	1	GEN 02
Kvairlook, Frank <i>Private Citizen</i>	345	4/5/2011	Nome Public Hearing Testimony	1	IMP 02

* Some commenters expressed the same concern in more than one of their comments. In these cases, only one instance of a Concern Code is shown

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Lavoie, Nathalie <i>Fisheries and Oceans Canada</i>	185	2/8/2011	eRulingMaking Portal	6	GEN 01; MOD 02; MOD 07; REG 08; RES 09; STAT 01; STAT 02; STAT 03
Leppo, Jeffrey <i>Alaska Oil and Gas Association; American Petroleum Institute</i>	121	3/25/2011	eRulingMaking Portal	74	DATA 01; DATA 04; MOD 01; MOD 02; MOD 07; REG 01; REG 03; REG 08; REG 13; REG 16; REG 19; REG 20; REG 22; RES 10; STAT 05; STAT 06; STAT 08; THR 03; THR 05; THR 14; THR 26
Levine, Michael <i>Oceana</i>	354	3/7/2011	Anchorage Public Hearing Testimony	3	SUB 01; THR 02; TK 01
Lish, Christopher <i>Private Citizen</i>	109	3/24/2011	eRulingMaking Portal	1	GEN 02

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Lynch, Wayne <i>Government of Nunavut</i>	203	2/8/2011	eRulingMaking Portal	5	GEN 01; MOD 07; STAT 03; THR 06
Macrander, A. <i>Shell Exploration & Production Company</i>	193	2/10/2011	eRulingMaking Portal	2	PUB 01
Marmorstein, Diana <i>Private Citizen</i>	183	2/8/2011	eRulingMaking Portal	3	THR 02; THR 04; THR 13
Menadelook, Norman <i>Native Village of Teller</i>	5621	4/5/2011	eRulingMaking Portal	2	SUB 01; TK 04
Mendenhall, Perry <i>Private Citizen</i>	338	4/5/2011	Nome Public Hearing Testimony	7	EJ 02; REG 06; TK 01

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Monigold, Karmen <i>Private Citizen</i>	360	3/22/2011	Barrow Public Hearing Testimony	4	IMP 02; REG 11
Montana, Susana <i>Private Citizen</i>	158	12/20/2010	eRulingMaking Portal	2	GEN 02
Moore, Megan <i>The National Humane Educational Society</i>	156	4/5/2011	eRulingMaking Portal	4	GEN 01; GEN 02; THR 02
Morse, Sherry <i>Private Citizen</i>	157	12/13/2010	eRulingMaking Portal	1	GEN 02
N/a, Not Available <i>Private Citizen</i>	96	2/9/2011	eRulingMaking Portal	1	GEN 02

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Okleasik, Ukallaysaaq <i>Northwest Arctic Borough</i>	131	3/25/2011	eRulingMaking Portal	9	DATA 04; GEN 01; REG 07; TK 01
Olemaun, George <i>Private Citizen</i>	365	3/22/2011	Barrow Public Hearing Testimony	3	THR 07; TK 02
Olemaun, Thomas <i>Native Village of Barrow Inupiat Traditional Govt</i>	155	4/5/2011	eRulingMaking Portal	1	IMP 02
Oomittuk, Jr., Othniel <i>Private Citizen</i>	377	3/22/2011	Barrow Public Hearing Testimony	1	IMP 02
Patkotak, Ethel <i>Private Citizen</i>	370	3/22/2011	Barrow Public Hearing Testimony	6	DATA 04; IMP 02; TK 01

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Pederson, Michael	141	3/31/2011	eRulingMaking Portal	20	MOD 01; PUB 03; REG 07; REG 14; SUB 03; SUB 05; SUB 06; SUB 07; THR 02; THR 21; TK 01; TK 02; TK 04
<i>Ice Seal Committee - North Slope Borough Dept. of Wildlife Management</i>					
	169	1/21/2011	eRulingMaking Portal	3	PUB 01; REG 07; REG 14
	342	4/5/2011	Nome Public Hearing Testimony	4	GEN 01; TK 03
	371	3/22/2011	Barrow Public Hearing Testimony	7	DATA 07; IMP 02; REG 07; SUB 03; TK 01
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Pokiak, Frank	337	4/19/2011	eRulingMaking Portal	5	GEN 01; MOD 07; MOD 08; THR 08
<i>Inuvialuit Game Council</i>					

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Public, Jean <i>Private Citizen</i>	135	3/30/2011	eRulingMaking Portal	1	GEN 02
Ragen, Timothy <i>Marine Mammal Commission</i>	197	4/14/2011	eRulingMaking Portal	23	DATA 04; GEN 02; GEN 05; REG 17; RES 04; RES 06; RES 08; STAT 04; SUB 05; THR 02; THR 06; THR 12
	199	4/14/2011	eRulingMaking Portal		GEN 02; GEN 06; GEN 07; RES 04; RES 05; RES 07; RES 08; RES 11; STAT 09; SUB 05; THR 02; THR 06; THR 09; THR 24
Ranger, Richard <i>Energy American Petroleum Institute (API)</i>	333	1/10/2011	eRulingMaking Portal	2	GEN 01
Ray, G. <i>University of Virginia</i>	178	2/3/2011	eRulingMaking Portal	2	CRI 04; RES 01

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Ray, Lily <i>Self</i>	5623	4/5/2011	eRulingMaking Portal	3	IMP 02; PUB 02; TK 03
Rea, Caryn <i>Conoco Phillips Alaska, Inc.</i>	353	3/7/2011	Anchorage Public Hearing Testimony	9	CRI 01; DATA 04; MOD 02; REG 08; REG 16; REG 19
Rexford, Sr., Julius <i>Native Village of Point Lay</i>	376	3/22/2011	Barrow Public Hearing Testimony	1	GEN 01
Roets, Eric <i>Private Citizen</i>	161	1/13/2011	eRulingMaking Portal	1	GEN 02
Sacchens, Joel <i>Private Citizen</i>	341	4/5/2011	Nome Public Hearing Testimony	3	IMP 02; REG 16

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Sachens, Joel <i>Elim Alaska</i>	5626	4/5/2011	eRulingMaking Portal	2	TK 04; TK 06
	5628	4/5/2011	eRulingMaking Portal	2	PUB 02; TK 04
Sage, Joe <i>Private Citizen</i>	374	3/22/2011	Barrow Public Hearing Testimony	3	IMP 02; REG 07; TK 01
Schaefer, Jack <i>Point Hope</i>	357	3/22/2011	Barrow Public Hearing Testimony	7	REG 07; REG 14; SUB 08
<i>Private Citizen</i>	375	3/22/2011	Barrow Public Hearing Testimony	3	EJ 03; REG 14; THR 07

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Schoellhorn, Bill <i>Statoil USA E&P Inc.</i>	114	3/25/2011	eRulingMaking Portal	11	DATA 02; GEN 01; MOD 02; MOD 07; REG 01; REG 02; REG 03; REG 13; REG 22; THR 26
Shears, Robert <i>Chukchi resident</i>	128	3/3/2011	eRulingMaking Portal	1	THR 21
Sheffield, Gay <i>Self</i>	5629	4/5/2011	eRulingMaking Portal	5	PUB 02; REG 14; RES 04; TK 04
Shiedt, Enoch <i>Maniilaq Association</i>	5618	4/5/2011	eRulingMaking Portal	1	
Shiedt, Sr, Enoch <i>Maniilaq Association</i>	137	3/30/2011	eRulingMaking Portal	7	GEN 01; IMP 02; STAT 02; SUB 01; SUB 02; TK 01

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Shiedt, Sr, Enoch <i>Maniilaq Association</i>	180	2/5/2011	eRulingMaking Portal	1	PUB 01
	343	4/5/2011	Nome Public Hearing Testimony	7	IMP 02; SUB 11; THR 17
	351	3/7/2011	Anchorage Public Hearing Testimony	3	REG 16; SUB 03
	356	3/22/2011	Barrow Public Hearing Testimony	6	IMP 02; REG 14; SUB 01; THR 17
Simon, Mary <i>Inuit Tapiriit Kanatami</i>	187	2/8/2011	eRulingMaking Portal	8	DATA 01; EJ 01; GEN 01; MOD 01; MOD 09; REG 21; SUB 01; SUB 09; THR 21
Sinskichott, Christina <i>Private Citizen</i>	9	3/8/2011	eRulingMaking Portal	3	GEN 02; GEN 08; GEN 09

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Sloan, Michael <i>Nome Eskimo Committee Tribal Resources</i>	340	4/5/2011	Nome Public Hearing Testimony	4	GEN 01; IMP 02; MOD 01; REG 07
<i>Nome Eskimo Community</i>	5627	4/5/2011	eRulingMaking Portal	5	GEN 01; IMP 02; MOD 01; PUB 03; SUB 01
Snyder, Rex <i>Private Citizen</i>	101	3/8/2011	eRulingMaking Portal	10	DATA 01; MOD 01; PUB 03; REG 07; REG 16; STAT 05; TK 01
Suydam, Robert <i>Private Citizen</i>	363	3/22/2011	Barrow Public Hearing Testimony	5	DATA 04; MOD 01; MOD 02; REG 08; TK 01
Tagarook, Terry <i>Private Citizen</i>	358	3/22/2011	Barrow Public Hearing Testimony	3	IMP 02

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Tahara, Nobuko <i>Private Citizen</i>	160	1/12/2011	eRulingMaking Portal	1	GEN 02
Tahbone, Sandra <i>Ice Seal Committee - Kawerak representative</i>	339	4/5/2011	Nome Public Hearing Testimony	9	REG 07; SUB 01; SUB 03; TK 01
Towtongie, Cathy <i>Nunavut Tunngavik Incorporated</i>	195	2/10/2011	eRulingMaking Portal	8	GEN 01; MOD 07; REG 08; STAT 01; STAT 05; THR 17; TK 01
Vincent-Lang, Douglas <i>Alaska Department of Fish and Game</i>	116	3/25/2011	eRulingMaking Portal	35	DATA 01; DATA 04; DATA 05; DATA 06; DATA 09; GEN 01; IMP 03; IMP 04; MOD 01; MOD 02; MOD 03; MOD 04; MOD 07; MOD 09; REG 01; REG 04; REG 05; REG 15; REG 16; REG 19; STAT 03; STAT 04; STAT 05; THR 11; TK 03

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Vincent-Lang, Douglas <i>Alaska Department of Fish and Game</i>	117	3/25/2011	eRulingMaking Portal	62	DATA 03; DATA 04; DATA 07; DATA 08; DATA 09; DATA 10
	173	1/24/2011	eRulingMaking Portal	3	PUB 01; PUB 03
	350	3/7/2011	Anchorage Public Hearing Testimony	4	DATA 03; MOD 04; MOD 07; REG 16; STAT 04
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Voochers, Hannah <i>Alaska Nanuuq Commission</i>	5620	4/5/2011	eRulingMaking Portal	4	REG 06; REG 11; SUB 05; TK 03
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Washington, et. al., Mona <i>Buckland IRA Council</i>	147	3/31/2011	eRulingMaking Portal	4	DATA 04; GEN 01; SUB 01; TK 01

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Weyiouanna, Edwin <i>Self</i>	5624	4/5/2011	eRulingMaking Portal	2	SUB 01; TK 04
Whiting, Alex <i>Native Village of Kotzebue</i>	105	3/16/2011	eRulingMaking Portal	10	GEN 01; IMP 02; REG 08; REG 16; SUB 01; THR 03; TK 01
Williams, Kate <i>Alaska Oil and Gas Association</i>	163	1/18/2011	eRulingMaking Portal	3	IMP 01
	347	3/7/2011	Anchorage Public Hearing Testimony	8	GEN 01; IMP 01; MOD 02; REG 01; REG 16; REG 19
Wolf, Shaye <i>Center for Biological Diversity, Greenpeace</i>	125	3/25/2011	eRulingMaking Portal	42	CRI 02; DATA 12; GEN 02; MOD 05; MOD 06; REG 18; THR 01; THR 02; THR 08; THR 10; THR 12; THR 13; THR 15; THR 16; THR 18; THR 25

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Young, Sharon	181	2/8/2011	eRulingMaking Portal	4	GEN 02; GEN 03; THR 25; TK 01
<i>The Humane Society of the US</i>	182	2/8/2011	eRulingMaking Portal	18	GEN 01; RES 02; RES 03; STAT 01; SUB 07; SUB 10; THR 02; THR 07; THR 13; THR 25

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