



# MARINE MAMMAL COMMISSION

27 April 2016

Mr. Timothy J. Van Norman, Chief  
Branch of Permits, MS: IA  
Division of Management Authority  
U.S. Fish and Wildlife Service  
5275 Leesburg Pike  
Falls Church, Virginia 22041-3803

Re: Permit Amendment Application No. 59492B  
(BBC, Natural History Unit)

Dear Mr. Van Norman:

The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the above-referenced permit application with regard to the goals, policies, and requirements of the Marine Mammal Protection Act (the MMPA). The BBC is seeking to amend permit 59492B that authorizes it to film southern sea otters in California and northern sea otters in Washington in 2015 and 2016—the permit expires 31 December 2016.

The BBC is authorized to take up to 20 southern sea otter pups<sup>1</sup> and 100 subadults/adults of either sex by Level B harassment during filming activities<sup>2</sup> in California during a 3-week period in summer 2015 and 2016. In addition, the BBC is authorized to take up to (1) 20 southern sea otter pups<sup>3</sup> and 50 subadults/adults of either sex between Santa Cruz and Big Creek Reserve and (2) 15 northern sea otter pups<sup>4</sup> and 40 subadults/adults of either sex near Destruction Island during underwater filming activities<sup>5</sup> during a 3- to 4-week period in 2015 and 2016. BBC would use footage as part of its documentary, *Ocean*.

For the permit amendment, BBC proposed to take up to 1,500 northern sea otters of either sex<sup>6</sup> in Kachemak Bay, Cordova, Prince William Sound, and Glacier Bay during a 7-day period in either summer or fall 2016. Those filming activities would be conducted from a helicopter in order to observe and film large rafts of otters. Various advisors from the U.S. Geological Survey have provided, and will continue to provide, advice throughout the filming process.

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<sup>1</sup> Pups would be at least 3 weeks of age and up to 8 months of age. No more than 20 female-pup pairs would be filmed during the activities.

<sup>2</sup> Filming could be conducted from either shore or a small boat and underwater pole camera.

<sup>3</sup> At least 3 months of age.

<sup>4</sup> At least 3 months of age.

<sup>5</sup> Using divers and snorkelers.

<sup>6</sup> Primarily adult males, but otters of any age class could be harassed including pups more than 3 weeks of age.

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To minimize disturbance of sea otters, the filmmakers would work on a schedule that allows for 3 days of filming followed by at least 1 day of rest. If any of the filming activities disrupt an otter that is feeding, breeding, or nursing, the filmmakers would cease their activities immediately and slowly move away from the otter. The helicopter pilot also would approach the otters initially at higher altitudes than suitable for filming then gradually descend and decrease the lateral distance to the otters. If 10 percent or more of the otters move away from the hovering helicopter, those otters would not be approached again that day. If portions of the rafting otters are disturbed when the helicopter is at lower altitudes, the pilot will back the helicopter away from the otters. If those otters do not settle, they would not be filmed for the remainder of the day. In addition, the filmmakers would not separate a female and her pup and would not film an individual otter for longer than 3 hours per day.

The Commission believes that the proposed activities are consistent with the purposes and policies of the MMPA and recommends that FWS issue the permit amendment, provided that the current permit conditions remain in effect. Kindly contact me if you have any questions concerning the Commission's recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca J. Lent". The signature is written in a cursive style with a large, sweeping initial "R".

Rebecca J. Lent, Ph.D.  
Executive Director