



MARINE MAMMAL COMMISSION

13 June 2016

Ms. Jolie Harrison, Chief
Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910-3225

Re: Permit Application No. 20324
(Living Planet Productions/Silverback Films)

Dear Ms. Harrison:

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). Living Planet Productions/Silverback Films (Silverback) is requesting authorization to conduct filming activities on bottlenose dolphins in Florida during a two-year period—the same activities were authorized under permit 19293.

Silverback is requesting authorization to photograph and videotape bottlenose dolphins mud-ring feeding in Florida Bay during a 30-day period in each year. Individuals of any age class and either sex could be harassed. Dolphin World Productions Ltd. was authorized to conduct the same activities for a Disney Nature documentary in 2015. However, poor weather hindered the filmmakers from obtaining the specified footage. Silverback would finish filming for the Disney Nature documentary and would obtain additional footage for Netflix's *Our Planet* documentary.

Filmmakers would use high-definition video and still cameras to film and photograph the dolphins. Filming would occur from a helicopter and a small vessel¹. Ms. Laura Engleby or a colleague would serve as an on-site advisor to Silverback. If any signs of disturbance from the aircraft are observed, the aircraft either would leave the area or fly at a higher altitude. In addition, the vessel operator would approach, at an idle, from behind and slightly parallel to the dolphins and would avoid driving the vessel between the dolphins and the mud bank. If any signs of disturbance (e.g., chuffing, abrupt changes in direction, tail slapping, changes in behavior, etc.) from the vessel are observed, the vessel would move away slowly and seek another group of dolphins to film.

¹ Including from a pole camera underwater.

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The Commission believes that the activities are consistent with the purposes and policies of the MMPA and recommends that the National Marine Fisheries Service issue the permit, as requested. 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 initial "R" and a distinct "Lent" at the end.

Rebecca J. Lent, Ph.D.
Executive Director