



MARINE MAMMAL COMMISSION

19 April 2013

Mr. P. Michael Payne, Chief
Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Re: Permit Application No. 17941
(Brian Skerry)

Dear Mr. Payne:

The Marine Mammal 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. Mr. Skerry is requesting authorization to film dolphins in Florida and Hawaii. The permit would be valid until March 2014.

RECOMMENDATION

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the permit, as requested.

RATIONALE

Mr. Skerry is requesting authorization to take by Level B harassment up to 400 bottlenose dolphins, 75 spinner dolphins, and 4 pantropical spotted dolphins. The objectives are to document (1) dolphin mud-plume feeding events in Florida and (2) human interactions with spinner dolphins in Hawaii. The photographs would be used in a *National Geographic* feature story on dolphin cognition and intelligence (i.e., social structures and alliances, foraging strategies, communications, problem solving, human perceptions). Mr. Skerry has photographed various marine mammals since his work began at the magazine in 1998.

Mr. Skerry would conduct the proposed photography activities for up to two weeks in Florida Bay primarily from June through August 2013, but activities could occur until March 2014. Ms. Laura Engleby would assist Mr. Skerry in the field. To obtain good quality aerial photographs, Mr. Skerry would approach the dolphins using a helicopter. The pilot would fly the helicopter at altitudes of approximately 305 m when Mr. Skerry would be searching for dolphins engaging in mud-ring feeding behavior. Once observed, the helicopter would descend to 152 m for Mr. Skerry to obtain the photographs but it would not hover. Mr. Skerry would spend no more than 30 minutes with any group of dolphins. If he sees any disturbance in response to the helicopter, he would leave the vicinity to seek other dolphins engaging in mud-plume feeding or would photograph the dolphins at a higher altitude.

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In Hawaii, Mr. Skerry would conduct the proposed photography activities for up to two weeks on the west side of Oahu and along the Kona coast of Hawaii primarily from July through mid-August 2013, but activities could occur until March 2014. Ms. Carlie Wiener would assist Mr. Skerry in the field. Mr. Chad Yoshinaga would operate the boat (approximately 7 m in length) and would approach a group of dolphins no closer than 13 m to determine if spinner dolphins are present. He also would position the boat parallel to the group's direction of travel to allow the dolphins to swim away if they so choose and would not approach any dolphins during their resting period (i.e., dolphins in resting formation, traveling slowly with limited surface time). In addition, Mr. Skerry would approach a group only if three or less dolphin tourism boats are present (up to 11 boats can be with any group at a given time). Only under those conditions would he enter the water with two other individuals (Ms. Wiener and Mr. Jeff Wildermuth, an underwater videographer). Mr. Wildermuth would videotape Mr. Skerry and Ms. Weiner to present the public with a behind the scenes view of their work and to educate the public regarding swim-with-the-dolphin tourism and harassment concerns. Mr. Skerry would allow the dolphins to approach him to within 4 m to obtain good quality still photographs. He would spend no more than one hour with any group of dolphins and would approach a subset of that group for no more than 20 minutes (with a 20-minute break between approaches). Pantropical spotted dolphins can occur with larger groups of spinner dolphins. Therefore, Mr. Skerry could take a small number of spotted dolphins as well during the filming activities.

The Commission supports photographing and videotaping marine mammals because feature articles and short films are an important means of educating the public about these animals, their natural history, and the value of conserving them. Because of the precautionary manner in which Mr. Skerry would conduct the filming activities, the Marine Mammal Commission recommends that the National Marine Fisheries Service issue the permit, as requested.

The Commission believes that the activities for which it has recommended approval are consistent with the purposes and policies of the Marine Mammal Protection Act.

Please contact me if you have any questions concerning the recommendation.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director