



MARINE MAMMAL COMMISSION

23 February 2011

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

Re: Permit Application No. 16000
(Wild Horizons, Ltd.)

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.

RECOMMENDATION

The Marine Mammal Commission recommends that the National Marine Fisheries Service approve the requested permit, provided that the permit requires the applicant to monitor and report all cases where the filming activities lead to sufficient disturbance that the dolphins alter their behavior or otherwise exhibit strong response to filming activities, the boat, or the helicopter.

RATIONALE

The applicant is requesting authorization to take by Level B harassment up to 2,500 bottlenose dolphins by close approach during filming activities at Bull Creek and Hilton Head, South Carolina. The applicant would use the film footage of the dolphins' strand feeding behavior to create a seven-part television series, *Wild Planet: North America*, for the Discovery Channel. It would conduct most of the proposed filming activities from an inflatable 6.4-m (21-ft) boat. The boat would approach the dolphins slowly from the side and remain stationary during feeding events to allow feeding to play out. The boat driver would turn off the boat's engine at every opportunity, particularly when dolphins are nearby. The boat would approach closer than 15.2 m (50 ft) and at times to within a few feet (i.e., when in tight creeks or when dolphins come to investigate the boat). The applicant also would film from a helicopter (no closer than 152 m [500 ft]) and from land (no closer than 4.6 m [15 ft] from shore). It would use camouflage when filming from shore.

The applicant states that primary consideration would be given to not influencing or changing the dolphins' natural behavior. The applicant plans to employ Mr. Tom Doyle of Commander Zodiac, South Beach Marina, Hilton Head Island, South Carolina, to provide the boat and serve as its captain. Mr. Doyle has more than 20 years of experience operating a dolphin-watch tour company in the Hilton Head area and working around dolphins without disturbing them. He also has a U.S. Coast Guard captain's license, is a marine mammal stranding agent for the National Marine Fisheries Service for the state of South Carolina, and has worked with many film production companies, including National Geographic, the Discovery Channel and the BBC. The applicant

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would conduct the filming over a period of three to four weeks, with plans to complete activities by August 2011. However, if the first filming session is not as successful as hoped, a second session may be necessary. The applicant therefore is requesting that the permit cover the period from April 2011 through December 2011.

The Commission supports the filming of marine mammals as films can be an important means of educating the public about these animals, their natural history, and the value of conserving them. Nevertheless, the proposed activities pose some risk of disrupting important behaviors (i.e., feeding) or social organization, and the Commission believes it is useful and informative to monitor the activities and report any cases where the effects might be deemed excessive. In this case, excessive effects might include causing the dolphins to stop their feeding behavior, to leave their area, or alter their social structure (i.e., break up into smaller groups). In addition, any instances in which a dolphin and the boat come into contact should be reported, as well as any strong responses to the presence of a helicopter. Because the proposed activities may cause unintended responses, the Marine Mammal Commission recommends that the National Marine Fisheries Service approve the requested permit, provided that the permit requires the applicant to monitor and report all cases where the filming activities lead to sufficient disturbance that the dolphins alter their behavior or otherwise exhibit strong response to filming activities, the boat, or the helicopter.

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 these recommendations.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director