



# MARINE MAMMAL COMMISSION

15 August 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 Application No. 01730C  
(Passion Planet)

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 Passion Planet proposes to film northern sea otters in Washington during a two-year period. The applicant would use footage as part of a documentary describing the seminal work of James Estes and the importance of sea otters to marine ecosystems.

Passion Planet would film large groups of sea otters and could take up to 250 juvenile or adult sea otters<sup>1</sup> by Level B harassment during those activities. Filming would occur during a two-week period in fall 2016, spring 2017, and/or fall 2017 in the Olympic Coast National Marine Sanctuary. Filming would be conducted from a small boat and using underwater divers—up to five additional sea otters could be harassed each day during underwater filming. Florian Graner will serve as underwater cameraman and advisor in the field. Deanna Lynch from the U.S. Fish and Wildlife Service (FWS) and James Estes and Timothy Tinker from U.S. Geological Survey have been and would continue to provide advice throughout the filming process.

To minimize disturbance to otters, filmmakers would coordinate their filming with that of BBC<sup>2</sup> work and would work on a schedule that allows for 2 days of filming followed by at least 1 day of rest. To minimize disturbance to otters during underwater filming, only two divers would be in the water at a given time and would enter the water 50 m downwind of the otters. 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. If an otter moves away from the filmmakers, it will not be pursued. If an otter continually moves away from them or is disturbed more than twice on a given day, the filmmakers would back off and discontinue filming that otter. In addition, the filmmakers would not film an individual otter for longer than 3 hours per day. And, although female-pup pairs are not targeted for filming, if those pairs approach the filmmakers, they

<sup>1</sup> Including 200 males and 50 females.

<sup>2</sup> Who could be filming footage for *Ocean* in the same area.

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would not place the boat or themselves between the female and her pup. Any interactions instigated by the otters with the crew or boat would be discouraged. If the otters persist in attempting to interact with or enter the boat, the boat would retreat. For these reasons, the Commission recommends that FWS 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 MMPA. 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