



MARINE MAMMAL COMMISSION

19 December 2016

Dr. Nature McGinn, ACA Permit Officer
Permit Office, Room 755
Division of Polar Programs
National Science Foundation
4201 Wilson Boulevard
Arlington, VA 22230

Dear Dr. McGinn:

On 7 December 2016 the National Science Foundation (NSF) published a notice (81 Fed. Reg. 88273) requesting comments on a permit application from Joseph Wilson, Penguin Films Ltd. Mr. Wilson is seeking authorization under the Antarctic Conservation Act (the ACA) to film killer and minke whales in Antarctica. The Marine Mammal Commission (the Commission), in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the permit request with regard to the goals, policies, and requirements of the Marine Mammal Protection Act (the MMPA) and the ACA.

Mr. Wilson proposes to photograph and videotape up to 60 killer whales and 60 minke whales from a helicopter as they transit the Ross Sea. Individuals of any age class and either sex could be harassed. Filming would occur as part of a Disney Nature documentary, *Penguin*. The filming activities would be authorized under permit 20658 to be issued by the National Marine Fisheries Service (NMFS). The Commission believes that the activities are consistent with the purposes and policies of the MMPA and ACA and recommends that NSF issue the ACA permit, contingent on NMFS issuing permit 20658 that would authorize Mr. Wilson's proposed activities.

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".

Rebecca J. Lent, Ph.D.
Executive Director

cc: Amy Sloan, NMFS