



MARINE MAMMAL COMMISSION

2 March 2022

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. 26345
(Sealight Pictures)

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). Sealight Pictures is requesting authorization to conduct filming activities on gray seals in New England during a one-year period for an upcoming documentary series highlighting the nature of the Cape Cod region.

Sealight Pictures proposes to film gray seals at Monomoy National Wildlife Refuge and Isles of Shoals for up to five days in each filming location. Individuals of any age class and either sex could be harassed (see the application and take tables for details). Harbor seals could be opportunistically filmed if encountered. Andrea Bogomolni, Kimberly Murray and Wendy Puryear have served as off-site advisors, and the Commission understands that at least one expert would accompany Sealight Pictures in the field during filming. The filmmakers would implement various measures to minimize impacts on pinnipeds and also would be required to abide by the National Marine Fisheries Service's (NMFS) standard permit conditions.

On 8 February 2022, NMFS published Sealight Picture's application in the *Federal Register* (87 Fed. 7155) for public comment. Based on its informal review of the application available online, the Commission found that some of the information required in NMFS's 2016 application instructions and its implementing regulations was not clear in the application and provided to NMFS a list of minor comments on the application. The Commission subsequently received responses to these comments which adequately addressed the issues, but it did not receive a final application that was revised according to these responses. The Commission understands that the revisions mentioned in the responses will be incorporated into a final application once a permit decision is made. As such, the Commission believes that the proposed activities are consistent with the purposes and policies of the MMPA and recommends that NMFS issue the permit, contingent on ensuring that the final permit application includes the relevant revisions based on responses to the Commission's informal comments.

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Kindly contact me if you have any questions concerning the Commission's recommendation.

A handwritten signature in blue ink that reads "Peter O. Thomas". The signature is written in a cursive style with a large initial "P" and a distinct "O" for the middle name.

Peter O. Thomas, Ph.D.
Executive Director