



MARINE MAMMAL COMMISSION

8 December 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. 26727
(Aaron Lynton)

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). Mr. Lynton is requesting authorization to conduct filming activities¹ on humpback whales off the coast of Maui during a two-year period for an educational documentary film. Individuals of any age class and either sex could be harassed. Bottlenose dolphins, spinner dolphins, and pilot whales could be harassed and filmed incidental to the proposed filming activities. The filmmakers would implement various measures to minimize impacts on marine mammals and also would be required to abide by the National Marine Fisheries Service's (NMFS) standard permit conditions.

Mr. Lynton is requesting authorization to film a humpback birth should he encounter one. Three free divers would be in the water and would approach the whales no closer than 15 m. The boat would remain at least 45 m away from the target animals and would re-adjust, as needed, to maintain that distance. Mr. Lynton would terminate all activities and leave the area at any sign of disturbance. To minimize disturbance from the vessel should a whale approach it, the Commission recommends that NMFS condition the permit to require the vessel operator to keep the engine in neutral rather than re-engage the engine to maintain the 45-m buffer, unless necessary for safety reasons.

The Commission believes that the proposed activities 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 "Peter O. Thomas".

Peter O. Thomas, Ph.D.,
Executive Director

¹ Including photographing and videotaping from a vessel, underwater with free divers, and with unmanned aircraft systems and recording vocalizations with a hydrophone.