



MARINE MAMMAL COMMISSION

15 July 2014

Mr. Timothy J. Van Norman, Chief
Branch of Permits
Division of Management Authority
U.S. Fish and Wildlife Service
4401 North Fairfax Drive
Arlington, VA 22203

Re: Permit Application No. 38035B
(Renegade Pictures, Ltd., UK)

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). Renegade Pictures proposes to film polar bears in September 2014. The activities are a continuation of preliminary filming that occurred in 2013.

Renegade Pictures is requesting authorization to take up to 18 individual polar bears up to two times per day by Level B harassment during filming activities. Filming would occur during a 14-day period at the bone pile in Kaktovik and in the waters around Barter Island, Alaska. The filmmakers also could take still photographs of the bears. Up to five non-targeted polar bears could be disturbed incidental to the filming activities each day. Polar bears could be of either sex and any age. The applicant would use footage as part of a PBS documentary on polar bears in the southern Beaufort Sea. The footage also would be screened by the Community of Kaktovik.

The filmmakers would film the bears from vehicles and small boats. The filmmakers have experience videotaping and photographing polar bears. In addition, local Inupiat guides would assist them during the activities. They would approach the bears slowly on land and would remain behind the viewing barriers and signs. While at sea, the filmmakers would approach the bears slowly from the side and would make slow adjustments to their heading and course to maintain their position. If any bear changes its behavior, the filmmakers would move away from the bear. Although the researchers would film females with cubs, they would keep a safe distance and would not separate the female and her cubs while on land or at sea. Renegade Pictures also would abide by the Polar Bear Viewing Guidelines and is collaborating with the FWS and the U.S. Geological Survey. Therefore, the Commission recommends that FWS issue the permit, as requested.

Renegade Pictures obtained a permit to film polar bears in 2013, is seeking this separate permit to film in 2014, and apparently plans to stream a live-video feed of polar bears in 2015, presumably under yet another permit. Those various activities were part of the original scope of work but were not analyzed as such. Analyzing the overall activity in a piece-meal fashion is an ineffective use of agency(s) resources and also does not allow for review of what essentially is a

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multi-year activity in its entirety. In the future, if FWS has reason to believe that related filming activities would be conducted by the same applicant for the same purpose/activity at the same location over multiple years, it should require that the applicant apply for a single multi-year permit. Accordingly, the Commission recommends that FWS require applicants to indicate whether they have multi-year plans for proposed filming activities and to submit a single application for those activities rather than submitting yearly applications for a multi-year project.

The Commission believes that the activities for which it has recommended approval are consistent with the purposes and policies of the MMPA and appreciates the opportunity to comment on this permit application. Kindly contact me if you have any questions concerning the Commission's recommendations.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca J. Lent". The signature is written in a cursive style with a large initial "R".

Rebecca J. Lent, Ph.D.
Executive Director