



MARINE MAMMAL COMMISSION

17 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. 35442B
(Yukon Route Productions)

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). Yukon Route Productions proposes to conduct filming activities on walruses in fall 2014.

Yukon Route Productions is requesting authorization to take by Level B harassment up to 100 target walruses as many as 8 times each during filming activities. Filming activities would occur during a walrus subsistence hunt on ice and in waters either off Barrow or Unalakleet, Alaska. Filmmakers also could harass up to 100 non-target walruses and 4 polar bears incidental to the filming activities. Walruses could be of either sex and any age. Filming would occur during a five-day period through October 2014 and could include still photography as well. Yukon Route Productions would use the footage for a television series *Yukon Men* and incorporate more cultural and historical aspects of Native life into that series.

Filming activities would be conducted from small boats positioned either alongside or behind the hunters' boat, but the filmmakers would never position themselves between the hunters and any walrus. The filmmakers would employ up to two local Inupiat men to drive their boats during the activities. They also could use an underwater video camera positioned on the side of the boat or attached to a pole to obtain additional footage. Filmmakers would avoid separating females and calves and would keep a safe distance from both females with calves and non-target animals. They would cease their activities if the filming activities interfere with female-calf behaviors or if any animal exhibits evasive or high-energy behaviors. Furthermore, the Commission understands that Fish and Wildlife Service (FWS) biologists reviewing the permit application recommended the inclusion of conditions specifying allowable approach distances and other mitigation measures¹. The Commission recommends that FWS issue the requested permit, contingent on inclusion of the FWS biologists' recommended measures.

Presumably, the permit would authorize taking marine mammals only in the course of approaching the animals and conducting filming activities. Specifically, the producers, cameramen,

¹ If more than 50 walruses are flushed during filming activities, those activities would cease.

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or anyone else associated with *Yukon Men* (other than the hunters whose activities are being documented) should not be authorized to participate in the hunt or any associated activities (e.g., skinning or butchering the animals). The Commission recommends that FWS include a permit condition that explicitly specifies no one other than the hunters, who are the subject of the filming activities, participate in any way (e.g., the selection of hunting areas or animals to be targeted) in the walrus hunt or any non-filming activities that might involve the taking of a marine mammal (e.g., skinning or butchering the animal).

The Commission also notes that Yukon Route Productions is requesting a photography permit from the National Marine Fisheries Service (NMFS) to film a seal hunt for the same *Yukon Men* series. In both applications, the production company recognizes that non-target species, some under the jurisdiction of FWS and some under the jurisdiction of NMFS, potentially could be taken during the filming activities. Accordingly, the Commission recommends that FWS and NMFS coordinate their permit reviews and authorizations under the two applications by authorizing the incidental taking by Level B harassment of the appropriate species and numbers of marine mammals subject to each agency's jurisdiction irrespective of the target species of the filming activities.

The Commission believes that the activities for which it has recommended approval are consistent with the purposes and policies of the MMPA.

The Commission 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.

Rebecca J. Lent, Ph.D.
Executive Director

cc: Jolie Harrison, National Marine Fisheries Service
Donna Wieting, National Marine Fisheries Service