



MARINE MAMMAL COMMISSION

5 May 2015

Mr. Timothy J. Van Norman, Chief
Branch of Permits, MS: IA
Division of Management Authority
U.S. Fish and Wildlife Service
5275 Leesburg Pike
Falls Church, Virginia 22041-3803

Re: Permit Application No. 59492B
(BBC, Natural History Unit)

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). The BBC proposes to film southern sea otters in California and northern sea otters in Washington in 2015 and 2016. The applicant would use footage as part of a BBC documentary, *Ocean*, to reignite people's love of the ocean—a follow-on from *Blue Planet*.

The BBC is requesting authorization to take up to 20 southern sea otter pups¹ and 100 subadults/adults of either sex by Level B harassment during filming activities in California. Filming would occur during a 3-week period in summer 2015 and 2016 primarily in the kelp forest of Monterey Bay. Filming could be conducted either from shore or from a small boat and underwater pole camera. In addition, the BBC plans to film the otters using underwater divers² and snorkelers and is requesting authorization to take up to (1) 20 southern sea otter pups³ and 50 subadults/adults of either sex between Santa Cruz and Big Creek Reserve and (2) 15 northern sea otter pups⁴ and 40 subadults/adults of either sex near Destruction Island. Those underwater filming activities could occur at each location during a 3- to 4-week period in 2015 and 2016.

Dr. Timothy Tinker and collaborators from the U.S. Geological Survey, Monterey Bay Aquarium, California Department of Fish and Wildlife, and University of California Santa Cruz would serve as advisors in California and would identify the otters suitable for filming prior to initiation of the activities. They also would accompany the filmmakers during the initial stages of filming to assess and approve their filming methods and approach distances. Dr. Florian Graner will serve as underwater cameraman and advisor in Washington. Lilian Carswell and Deanna Lynch from

¹ Pups would be at least 3 weeks of age to 8 months of age, although they plan to target pups at least 3 months of age. No more than 20 female-pup pairs would be filmed during the activities.

² Who would use rebreather systems to minimize impacts.

³ At least 3 months of age.

⁴ At least 3 months of age.

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the U.S. Fish and Wildlife Service (FWS) also would provide advice throughout the filming process for southern and northern sea otters, respectively.

The BBC would be filming another documentary involving sea otters, *Big Blue Live*⁵, in the same areas and at the same time as *Ocean*. The two sets of filmmakers would coordinate their activities and would not film the same otters in the same areas. To minimize disturbance to otters, both sets of filmmakers would work on a schedule that allows for 3 days of filming followed by at least 1 day of rest. The filmmakers also would not initiate underwater filming via divers and snorkelers in California until after filming for *Big Blue Live* has finished. To minimize disturbance to otters during underwater filming, only two individuals⁶ would be in the water at a given time and would be dropped downwind of the otters at a minimum of 100 m when using a research vessel and 50 m when using a rigid-hulled inflatable boat. If any of the filming activities disrupt an otter that is feeding, breeding, or nursing, the filmmakers would cease their activities immediately and slowly move away from the otter. If an otter moves away from the filmmakers, it will not be pursued. If an otter continually moves away from them or is disturbed more than twice on a given day, the filmmakers would back off and discontinue filming that otter. In addition, the filmmakers would not separate a female and her pup and would not film an individual otter for longer than 3 hours per day. For these reasons, the Commission recommends that FWS issue the permit, as requested.

The Commission believes that the activities for which it has recommended approval are consistent with the purposes and policies of the MMPA. Kindly contact me if you have any questions concerning the Commission's recommendation.

Sincerely,



Rebecca J. Lent, Ph.D.
Executive Director

⁵ To be authorized under a separate permit.

⁶ Divers and snorkelers would never be in the water simultaneously.