



# MARINE MAMMAL COMMISSION

4 May 2015

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. 19444  
(Breezy Media USA)

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). Breezy Media USA (Breezy Media) is requesting authorization to conduct filming activities on killer and beluga whales in Alaska in summer and fall 2015<sup>1</sup>.

Breezy Media is requesting authorization to photograph and videotape up to 45 killer whales and 25 beluga whales in Bristol Bay, Nushagak Bay, Kvichak Bay, Kenai Fjords, Resurrection Bay, Aialik Bay, Harris Bay, and Blying Sound, Alaska. Individuals of any age class and either sex could be harassed during the 30 days of filming. Breezy Media would use the footage for a documentary, *The Salmon Prince*, focusing on the relationship between the whales<sup>2</sup> and salmon. In addition, harbor seals, gray whales, Dall's porpoises, and harbor porpoises may be harassed incidentally during filming activities and may be filmed indirectly.

Filmmakers would use high-definition video and still cameras to film and photograph the whales. Filming could occur from a small vessel, inflatable skiff, or kayak<sup>3</sup>. They also could film the whales underwater using a pole camera and could film only the killer whales with a free diver. A hydrophone could be used to record whale vocalizations. Craig Matkin from the North Gulf Oceanic Society and personnel from the Bristol Bay Marine Mammal Council would serve as advisors for the activities.

If a whale exhibits stress or any negative reactions, filming would be suspended and the vessel engine would be turned off. After the whale has safely left the area of the vessel, the filmmakers would depart and not return. If a whale approaches within 15 m of the vessel, the operator also would turn off the engine. If any of the other proposed activities elicit any signs of aggression, stress, abrupt behavioral changes, or confusion, the activities would cease and the whale

<sup>1</sup> The permit would be valid until 31 October 2015.

<sup>2</sup> And also Steller's sea eagle, Blakiston's owl, and Kermode bear.

<sup>3</sup> Only killer whales would be filmed from the kayak.

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would be allowed to leave the area without being pursued. In addition, the kayak<sup>4</sup> would be used only after it has been determined that it has no detrimental effect on the killer whales. They would not deploy the kayak if tour operators are in the area, to avoid creating or re-enforcing public perception that kayaks can be used near the whales. Lastly, vessel operators would (1) avoid circling or entrapping whales between the watercraft and the shoreline, (2) avoid abrupt movements and loud noises, and (3) never separate a female from her calf. Filming encounters would be limited to no more than 30 minutes. For these reasons, the Commission recommends that the National Marine Fisheries Service issue the permit, as requested. The proposed activities are not expected to harm the individual marine mammals in question. However, the Commission notes that human safety may be a concern but is beyond the purview of the MMPA.

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

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<sup>4</sup> The kayak also would not be used to follow the whales, but as a platform to film whales in shallower water near coastlines where having a larger vessel might be dangerous. They would not film the kayak or its occupants near the whales, all filming would be conducted from the kayak (no two-shots).