



MARINE MAMMAL COMMISSION

11 January 2010

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. PRT-229154
(John Downer, John Downer Productions)

Dear Mr. Van Norman:

The Marine Mammal 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.

RECOMMENDATIONS

The Marine Mammal Commission recommends that the Fish and Wildlife Service approve the requested permit, provided that—

- the permit, if issued, specify the number of sea otters that are authorized to be harassed in the course of conducting the authorized filming activities, and
- before issuing the permit, the Service contact the applicant to determine what, if any, additional species and numbers of marine mammals could be taken by harassment (i.e., targeted for filming or harassed incidental to filming sea otters or bald eagles) and either provide authorization for such species or refer the applicant to the National Marine Fisheries Service to obtain such authorization for species under that agency's jurisdiction.

RATIONALE

The applicant is requesting authorization to take by Level B harassment an unspecified number of northern sea otters by close approach during filming activities. The film footage would be used in a six-part wildlife television series ("Earthflight") for the BBC and the Discovery Channel. The proposed filming activities would be conducted in Kachemak Bay, Alaska. The applicant states that Angela Doroff, Research Coordinator, Kachemak Bay Research Reserve, would act as field guide and advisor to the film crew during the project. The proposed activities would be conducted over several weeks between February and May 2010.

The application does not, but should, specify the number of sea otters that the applicant believes will or could be harassed over the duration of the proposed activities. The Marine Mammal Commission recommends that, if the Fish and Wildlife Service issues the requested permit, it specify the number of sea otters that are authorized to be harassed in the course of conducting the authorized filming activities.

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Also, the application states that other species native to the area may be encountered and filmed in the process of filming sea otters and bald eagles, but it does not specify whether these would include marine mammal species. The Marine Mammal Commission recommends that, before issuing the permit, the Service contact the applicant to determine what, if any, additional marine mammal species may be taken by harassment (i.e., targeted for filming or harassed incidental to filming sea otters or bald eagles) and either provide authorization for such taking or refer the applicant to the National Marine Fisheries Service to obtain such authorization for species under that agency's jurisdiction.

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

Please contact me if you have any questions concerning these recommendations.

Sincerely,



Timothy J. Ragen, Ph.D.
Executive Director