



MARINE MAMMAL COMMISSION

15 June 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. 19526
(BBC, Natural History Unit)

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). The BBC proposes to film various species of odontocetes and pinnipeds in California in 2015.

The BBC is requesting authorization to take short- and long-beaked common dolphins, Risso's dolphins, bottlenose dolphins, harbor seals, California sea lions, Steller sea lions, northern elephant seals, and northern fur seals during filming activities in California (see the Take Table). Individuals of any age class or sex could be taken. Filming would occur during a 60-day period in summer and early fall 2015 from Año Nuevo to the Channel Islands, including Anacapa Island and San Miguel Island. The applicant would use the footage as part of a BBC documentary, *Big Blue Live*, to promote and celebrate the conservation successes along the California coast.

The filmmakers would use high-definition video and still cameras to film and photograph the otters. Filming could be conducted from an a fixed-wing airplane, from shore, from a small boat and underwater pole camera, and using divers. Regional marine mammal experts would serve as advisors. They also would accompany the filmmakers during the initial stages of filming to assess and approve their filming methods and approach distances. BBC is coordinating with various personnel at the Monterey Bay National Marine Sanctuary, Channel Islands National Marine Sanctuary, Channel Islands National Park, and California Film Commission.

To minimize disturbance to marine mammals, the filmmakers would minimize any sharp or quick movements. If an animal is observed to respond adversely to the activities, the filmmakers would cease their activities immediately and slowly move away from the animal. If an animal approaches the filmmakers, the vessel would be slowed and put into neutral. If an animal moves away from the filmmakers, it would not be pursued and if its natural behavior is interrupted more than once on any given day, the activities would cease. In addition, the filmmakers would not separate a female and her calf/pup and would not film an individual marine mammal for more than

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30 minutes per day. They would conduct filming activities on a schedule that allows for 3 days of filming followed by at least 1 day of rest.

The BBC strives to film marine mammals in their natural behavioral state. The Commission finds the measures to minimize disturbance prudent but also notes that the BBC proposed to disturb only 50 harbor seals during the proposed activities. Harbor seals are known to be skittish and an entire haul-out site could be disturbed if only a few harbor seals initially react. Thus, the BBC could reach the authorized take limit with only one disturbance. Therefore, the Commission recommends that the National Marine Fisheries Service issue the permit but ensure that the number of harbor seal takes authorized are appropriate for the proposed activities and if not, increase the takes as necessary.

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