



MARINE MAMMAL COMMISSION

29 October 2013

Mr. P. Michael Payne, Chief
Permits and Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Re: Permit Application No. 18171
(Wessley Merten)

Dear Mr. Payne:

The Marine Mammal Commission (the MMC), 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). Mr. Merten proposes to photograph and film cetaceans in waters off Puerto Rico during a two-year period.

RECOMMENDATION

The Marine Mammal Commission recommends that the National Marine Fisheries Service issue the permit, as requested.

BACKGROUND

Mr. Merten is requesting authorization to take by Level B harassment up to 210 each of bottlenose dolphins, spinner dolphins, and striped dolphins and 60 each of false killer whales and killer whales per year during filming activities that would occur in Puerto Rican waters. The purpose is to document natural behavior of those cetaceans and highlight the Puerto Rican Department of Natural and Environmental Resources' Marine Mammal Rescue Program. The footage would be used in a wildlife documentary endorsed and produced by Sea Grant Puerto Rico and for educational purposes. Mr. Merten has videotaped and produced wildlife documentaries and educational videos but has limited experience filming cetaceans. As such, his co-investigator, Ms. Grisel Rodriguez-Ferrer (who has the relevant experience) would be present during all filming activities.

Mr. Merten would conduct the proposed filming activities for up to 50 days each year. Using either a medium-sized or large sport fishing vessel (i.e., 7.6 or 12.8 m), he would approach the cetaceans no closer than 22 m. The boat captain would idle the boat's engine during any photography or filming sessions that could last for up to 10 minutes. He also would use a pole camera to film false killer and killer whales underwater. To film the dolphins' natural behaviors underwater, Mr. Merten and a safety diver would enter the water. They would snorkel for no longer than approximately 5 minutes and approach the dolphins no closer than 4 m to obtain the footage. In most cases, cetaceans may approach the vessel or snorkelers first.

RATIONALE

Mr. Merten does not anticipate that any cetacean would be injured or disturbed beyond Level B harassment. Nevertheless, he would cease filming activities and leave the area if a cetacean appears to be unduly disturbed (i.e., displaying erratic vocalizations, blowing excessive bubbles, exhibiting bursts of speed, or unusual slapping of the fins/flukes) by the proposed activities. In addition, Mr. Merton would exercise extreme caution to not disrupt or separate female-calf pairs.

The MMC supports the filming of marine mammals as films can be an important means of educating the public about these animals, their natural history, and the value of conserving them. Because of the precautionary manner in which Mr. Merten would conduct the filming activities, the MMC recommends that the National Marine Fisheries Service issue the permit, as requested.

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

Thank you for the opportunity to comment on this permit application. Kindly contact me if you have any questions concerning the MMC's recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca J. Lent". The signature is written in a cursive style with a large initial "R" and a distinct "Lent" at the end.

Rebecca J. Lent, Ph.D.
Executive Director