



# MARINE MAMMAL COMMISSION

2 September 2011

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-48293A  
(Red Rock Films)

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.

## **RECOMMENDATION**

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

- it conditions the permit to require the applicant to monitor all activities associated with filming and report all cases in which the activities lead to sufficient disturbance that a bear alters its behavior or otherwise exhibits a strong response to filming activities, the boats, or the camera crew;
- it conditions the permit to require that the applicant stop the filming of any bears that appear to be unduly disturbed by the activity; and
- the applicant obtains any necessary authorization to conduct filming activities from the Arctic National Wildlife Refuge and the U.S. Air Force.

## **RATIONALE**

Red Rock Films is requesting authorization to take up to 25 individual polar bears by Level B harassment up to three times each during filming activities in the North Slope Region and Arctic National Wildlife Refuge, Alaska. It proposes to capture footage of activities primarily at the bone pile in Kaktovik. The applicant would use film footage of the bears to educate the public regarding marine mammal conservation issues and interactions of humans, polar bears, and the environment. It would conduct the proposed filming activities from blinds on land or from small boats during a four-week period in the autumn of 2011. Two Red Rock Films employees would use high-definition video and still cameras with 800 mm lenses to film and photograph the bears. Refuge employees would guide the filmmakers' activities on the Refuge. The filmmakers would approach the animals no closer than 40–50 m on land. The filmmakers also may use small boats to approach the bears

Mr. Timothy J. Van Norman  
2 September 2011  
Page 2

slowly from the side and would slowly make adjustments to their heading and course to maintain their position. The applicant states that its primary consideration would be to avoid influencing or changing the bear's natural behaviors. In addition, it would abide by the Refuge's polar bear viewing guidelines. If the filmmakers displace bears in more than three instances, irrespective of the number of bears displaced, the applicant would contact the Service to seek further guidance as to whether and how they can continue their activities.

The Commission 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. Nevertheless, the proposed activities pose some risk of disrupting important behaviors (i.e., feeding) or social structure (i.e., females with cubs), and the Commission believes it would be useful and informative for the applicant and the Service to monitor the activities and report any cases where the impacts might be deemed significant. In this case, significant impacts might include causing the bears to stop feeding, leave an area, or alter their social structure. In addition, the applicant should be required to report any instances in which a bear and the boat come into contact, as well as, any strong bear responses to the presence of the filming crew. Because the proposed activities may cause unintended responses, the Marine Mammal Commission recommends that the Fish and Wildlife Service approve the requested permit, provided that it condition the permit to require the applicant to monitor all activities associated with filming and report all cases in which the activities lead to sufficient disturbance that a bear alters its behavior or otherwise exhibits a strong response to filming activities, the boats, or the camera crew. The Marine Mammal Commission also recommends that the Service condition the permit to require that the applicant stop the filming of any bears that appear to be unduly disturbed by the activity.

In addition to authorization under the Marine Mammal Protection Act, the applicant will need to obtain permits to conduct the proposed filming activities from the Arctic National Wildlife Refuge and possibly the U.S. Air Force, as the bone pile is located on its land. Therefore, the Marine Mammal Commission recommends that the Fish and Wildlife Service require the applicant to obtain any necessary authorization to conduct filming activities from the Arctic National Wildlife Refuge and U.S. Air Force.

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