



MARINE MAMMAL COMMISSION

1 May 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. 17996
(Silverback Films Ltd.)

Dear Mr. Payne:

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 National Marine Fisheries Service issue the permit, as requested.

RATIONALE

Silverback Films Ltd. is requesting authorization to take by Level B harassment up to 500 bottlenose dolphins per year during filming activities that would occur in South Carolina during a two-year period. The purpose of the project is to document dolphin strand-feeding events in the waters of Bull Creek and Hilton Head Island, South Carolina. The footage would be used in a wildlife documentary, "The Hunt," for the British Broadcasting Corporation. The film makers have produced wildlife documentaries throughout the world, including numerous documentaries on marine mammals.

Silverback Films would conduct the proposed filming activities for up to four weeks from September through October of 2013 and 2014, if necessary. Mr. Adam Fox, a bottlenose dolphin researcher in South Carolina, would assist the film makers in the field. Using a 6.7-m vessel, Mr. Tom Doyle, the boat captain, would approach the dolphins for approximately 2 to 3 hours per day (a maximum of 5 hours) around low tide when they feed. He would approach the dolphins at a distance of generally greater than 50 m and at a speed of no more than 4 knots. In the smaller creeks, Mr. Doyle would ground the vessel for filming stability. In those instances, the dolphins may approach the vessel more closely. Whenever the dolphins approach the boat closer than 10 m, Mr. Doyle would idle the vessel engine until the dolphins have moved to a safer distance.

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One cameraman also could be stationed on shore before low tide to obtain footage of strand-feeding behavior from shore and footage of the great egret that also feeds on the fish that the dolphins drive to shore. He would be approximately 10–20 m from the water's edge during filming. In addition, Silverback Films would use a helicopter to obtain aerial footage of the feeding behavior. The pilot would fly the helicopter at altitudes above 305 m until the dolphins exhibiting strand-feeding behavior are sighted. He then would fly at altitudes no lower than 152 m to obtain the footage, but he would not hover. Aerial filming would occur for up to five hours on only two to three days.

Silverback Films does not anticipate that any dolphins would be injured or disturbed by the various filming activities. Nevertheless, Mr. Fox would be present to ensure dolphin safety and to avoid any activity that would alter the dolphins' feeding behavior. The film makers also would cease any vessel, ground, or aerial activities if the dolphins chuff, stop strand-feeding in the middle of a feeding event, rapidly turn and move away from, or exhibit any other reaction to the filming platform or film makers.

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. Because of the precautionary manner in which Silverback Films would conduct the filming activities, the Marine Mammal Commission recommends that the National Marine Fisheries Service issue the permit, as requested.

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 the recommendation.

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. Ragen". The signature is written in a cursive style with a long horizontal line extending from the start of the name.

Timothy J. Ragen, Ph.D.
Executive Director