



MARINE MAMMAL COMMISSION

28 March 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-31164A
(Wild Horizons, Ltd.)

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 U.S. Fish and Wildlife Service approve the requested permit, provided that it condition the permit to—

- specify the number of sea otters that may be harassed in Glacier Bay and Prince William Sound as a result of the filming activities; and
- require the applicant to monitor and report all cases where the filming activities lead to sufficient disturbance that the otters alter their behavior or otherwise exhibit strong response to filming activities, the boat, or the helicopter.

RATIONALE

The applicant is requesting authorization to take by Level B harassment Alaskan sea otters from the southeast and southcentral stocks by close approach during filming activities in Glacier Bay and Prince William Sound, Alaska. The sea otter populations in Glacier Bay and Prince William Sound are estimated at 2,785 and 11,989 animals, respectively. The applicant would use the film footage to create a seven-part television series—Wild Planet: North America—for the Discovery Channel. It would conduct the proposed filming activities from the ground using a Panasonic Varicam 2700 HD camera, on the water by boat using a stabilized Cineflex camera, and from the air by helicopter using either of these cameras mounted on a jib arm. Activities would be conducted during a period of no more than three weeks between May and September 2011. The applicant states that a second period of filming may be required in the unlikely event that the initial effort is unsuccessful. The focus of the filming would be to show sea otters' natural behaviors (e.g., aggregating in large numbers in rafts, feeding, grooming, etc). The applicant would maintain a safe distance from the otters by using high quality zoom lenses; skills honed while filming other sensitive species of otter; small ground crews, hides or blinds, and limited equipment (i.e., a camera and a tripod) on the ground; and never deliberately provoke an animal. The applicant has been in contact

Mr. Timothy J. Van Norman

28 March 2011

Page 2

with personnel at Glacier Bay National Park, and has submitted or will be submitting a formal application to the Park for a permit to film the otters. The applicant also has discussed the proposed filming with scientists at the U.S. Geological Survey's Alaska Science Center. Based on these precautions, the Marine Mammal Commission recommends that the Fish and Wildlife Service issue the permit subject to the following conditions.

First, the applicant states that "up to a few hundred otters in rafts would be filmed at any one time." Section 104 (b)(2)(A) requires that permits specify the number and kind of animals that can be taken or imported. To satisfy this provision, the Marine Mammal Commission recommends that the Fish and Wildlife Service condition the permit to specify the number of sea otters that may be harassed in Glacier Bay and Prince William Sound as a result of the filming activities.

Second, 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 and the Commission believes it is useful and informative to monitor the activities and report any cases where the effects might be deemed excessive (e.g., disrupt feeding and/or maternal care of young, or cause animals to leave the area). Because the proposed activities may cause unintended responses, the Marine Mammal Commission recommends that the Fish and Wildlife Service condition the permit to require the applicant to monitor and report all cases where the filming activities lead to sufficient disturbance that the otters alter their behavior or otherwise exhibit strong response to filming activities, the boat, or the helicopter.

The applicant notes that other marine mammals (e.g., harbor seals, Steller sea lions, killer whales, and humpback whales) may be incidentally encountered during the proposed filming activities. The Fish and Wildlife Service should advise the applicant to contact the National Marine Fisheries Service to determine what authorization, if any, is required regarding such incidental encounters.

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