



Department of the Interior
U.S. Fish and Wildlife Service

OMB Control No. 1018-0093
Expires ##/##/####

Federal Fish and Wildlife Permit Application Form

Return to: U.S. Fish and Wildlife Service
Division of Management Authority (DMA)
Branch of Permits, MS: IA
5275 Leesburg Pike
Falls Church, VA 22041-3803
1-800-358-2104 or 703-358-2104

Type of Activity:

PHOTOGRAPHY OF MARINE MAMMALS FOR EDUCATIONAL
OR COMMERCIAL PURPOSES (MMPA)
REQUESTING RENEWAL/AMENDMENT OF PERMIT# _____

Complete Sections A or B, and C, D, and E of this application. U.S. address may be required in Section C, see instructions for details.
See attached instruction pages for information on how to make your application complete and help avoid unnecessary delays.

A. Complete if applying as an individual			
1.a. Last name	1.b. First name	1.c. Middle name or initial	1.d. Suffix
2. Date of birth (mm/dd/yyyy)	3. Telephone number	3.a. Alternate telephone number	4. E-mail address

B. Complete if applying on behalf of a business, corporation, public agency, Tribe, or institution			
1.a. Name of business, agency, Tribe, or institution		1.b. Doing business as (dba)	
2. Tax identification no.		3. Description of business, agency, Tribe, or institution	
4.a. Principal officer Last name	4.b. Principal officer First name	4.c. Principal officer Middle name/ initial	4.d. Suffix
5. Principal officer title		6. Primary contact name	
7.a. Business telephone number	7.b. Alternate telephone number	7.c. Business fax number	7.d. Business e-mail address

C. All applicants complete address information					
1.a. Physical address (Street address; Apartment #, Suite #, or Room #; no P.O. Boxes) (If Broker or Taxidermist is applying on behalf of a foreign national, provide Broker or Taxidermist's name and address in this block; U.S. hunters must provide their U.S. address)					
1.b. City	1.c. State	1.d. Zip code/Postal code:	1.e. County/Province	1.f. Country	
2.a. Mailing Address (include if different than physical address; include name of contact person if applicable)					
2.b. City	2.c. State	2.d. Zip code/Postal code:	2.e. County/Province	2.f. Country	

D. All applicants MUST complete	
1.	Attach check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount of \$150, nonrefundable processing fee. Federal, Tribal, State, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee – attach documentation of fee exempt status as outlined in instructions. (50 CFR 13.11(d))
2.	Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50 , and I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.
Signature of applicant/Principal Officer for permit (No photocopied or stamped signatures) _____ Date of signature (mm/dd/yyyy) _____	

Please continue to next page

**E.PHOTOGRAPHY OF MARINE MAMMALS FOR EDUCATIONAL OR COMMERCIAL PURPOSES
UNDER THE MARINE MAMMAL PROTECTION ACT (MMPA)**

Allow **a minimum of 90 days** for the application to be processed. Applications for marine mammal permits must be published in the Federal Register for a 30-day public comment period.

PURPOSE

Use this application to apply for a permit to film (i.e., photograph/video) marine mammals under the jurisdiction of the U.S. Fish & Wildlife Service in the United States (sea otters, polar bears, walrus, and manatees; see <http://www.fws.gov/international/pdf/factsheet-marine-mammal-policy-2013.pdf>). A permit may be issued for educational or commercial photography activities in the wild that are limited to Level B harassment. Under the MMPA, **Level B harassment** includes activities that have the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering. Level B harassment **does not include** any activities that have the potential to injure a marine mammal or marine mammal stock in the wild (i.e., such activities are considered Level A harassment). Note, this application is for discrete photography projects and time-frames that will result in products such as documentary films, magazine articles, commercial photographs, etc.

Note: Renewal and amendment requests require responses to all the questions in the application.

This form should NOT be used for:

- If you are seeking a permit for photography activities involving marine mammals under jurisdiction of the National Marine Fisheries Service (NMFS) (i.e., whales, dolphins, porpoises, seals, and sea lions), please contact NMFS at <http://www.nmfs.noaa.gov/pr/permits>.
- A permit may not be issued for photography activities that have the **potential to injure** a marine mammal or marine mammal stock in the wild (i.e., Level A harassment activities).
- A permit may not be issued for photography to collect stock images for an undetermined project. You must be working on a specific project that will result in a publicly available product.
- For scientific research activities, use Form 3-200-43.

Please review the complete application carefully before beginning. Provide complete answers to all the questions in the application. If a question is not applicable, answer with “N/A”. You will need to use additional sheets of paper. On all attachments or separate sheets you submit, indicate the application question number you are addressing. If you are applying for multiple species, be sure to indicate which species you are addressing in each response.

Electronic submission of inventories, photographs, and receipts: Some applications contain extensive inventories and/or a large number of photographs or receipts. You may provide electronic versions of the documents. Such a submission will assist in expediting the processing of your application since it may reduce data entry by the U.S. Fish and Wildlife Service. If you wish to provide information electronically, please either include a disk containing your information or, once you have received an application number via the e-mailed acknowledgement letter, e-mail your information to Permits@fws.gov. Be sure to include the application number provided in the acknowledgement e-mail that will be sent to you when we receive your application.

I will be submitting documents electronically.

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1. Name and address where you wish the permit to be mailed, **if different from page 1**. If you would like expedited shipping, please enclose a self-addressed, pre-paid, computer-generated, courier service airway bill. If unspecified, all documents will be mailed via the U.S. Postal Service.

 2. Whom should we contact if we have questions about the application (name, phone number, and e-mail)?

3. Have you or any of the owners of the business (if applying as a business, corporation, or institution), been assessed a civil penalty or convicted of any criminal provision of any statute or regulation relating to the activity for which the application is filed; been convicted, or entered a plea of guilty or nolo contendere, for a felony violation of the Lacey Act, the Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act; forfeited collateral; OR are currently under charges for any violation of the laws mentioned above?

No Yes

If you answered “Yes” to Question 3, provide: a) the individual’s name; b) date of charge; c) charge(s); d) location of incident; e) court, and f) action taken for each violation. Please be aware that a “Yes” response does not automatically disqualify you from getting a permit.

4. Type of activity requested (mark all that apply):

___ PHOTOGRAPHY/VIDEOGRAPHY (Commercial)

___ PHOTOGRAPHY/VIDEOGRAPHY (Educational)

___ AMEND* current permit

___ RENEW* current/expired permit

(If you are requesting **renewal or amendment*** of an existing permit between reporting dates, include an update of any activity that has occurred under the permit since the last report.)

5. Check the scientific name (genus, species, and, if applicable, subspecies) and common name for each species (“target”) you are applying to film.

___ Polar bear (*Ursus maritimus*)

___ Pacific walrus (*Odobenus rosmarus*)

___ Northern sea otter (non- DPS¹) (*Enhydra lutris kenyoni*)

___ Northern sea otter (DPS) (*Enhydra lutris kenyoni*)

___ Southern sea otter (*Enhydra lutris nereis*)

___ West Indian manatee (*Trichechus manatus*)

6. If this species is protected under the Endangered Species Act (ESA), attach a justification for filming an ESA-listed species, and explain why your activities are not appropriate for a similar non-ESA-listed species.

7. What are the proposed start and end dates of the entire photography/filming project?

Note: The start date must not be prior to the date you successfully submit the application and should be at least 3 months after the submission date.

8. Describe your filming field season(s), including the time-periods and frequency of filming events within those time periods (e.g., March–June and September–October, two weeks per month).

9. Describe the objectives and significance of your project, including the products of your filming activities (e.g., documentary television series, feature film, or photographs for sale, etc.), and titles of products, if available, for which the photography footage will be used.

10. Explain how and when the products will be made available to the public.

¹ In 2005, the U.S. Fish and Wildlife Service determined that sea otters in southwest Alaska are a Distinct Population Segment (DPS) under the U.S. Endangered Species Act and listed them as threatened under the ESA. “Non-DPS” refers to the northern sea otters that are not listed.

11. Will you be filming lactating females and dependent calves/pups/cubs?

NO YES; provide a-c, below:

- a. The minimum age (or mass) of the dependent calf/pup/cub;
- b. How you will identify individuals of the minimum age (or mass) specified in a, above;
- c. Specific procedures you will undertake to avoid harassment that could result in calf/pup/cub abandonment or injury.

12. Will lactating females and dependent calves/pups/cubs be present in the vicinity of your filming activities?

NO; explain how you will be assured lactating females and dependent calves/pups/cubs will not be present.
 YES; provide specific procedures you will use for avoiding harassment of “non-target” female-calf/pup/cub pairs (i.e., those pairs that are present but not being filmed).

13. Identify each approach method and filming platform you propose to use, and describe each filming procedure you will use for each approach method/platform:

a. Boat/vessel; Provide i-iii, below:

- i. Type and size of boat/vessel;
- ii. Filming/photography equipment and method (e.g., still or video camera with telephoto lens and size of lens, and whether a polecam will be used); and
- iii. Mitigation measures you will use to minimize disturbance, including specific measures you will use to avoid separating female-calf/pup/cub pairs.

b. Divers and/or snorkelers; provide i-vii, below:

- i. Maximum number of individuals, including the safety diver/snorkeler, in the water at a given time
 Divers Snorkelers;
- ii. Will divers use rebreathers?
- iii. Filming/photography equipment and method (e.g., still or video camera with telephoto lens and size of lens);
- iv. Entry method of diver/snorkeler (i.e., boat or land);
- v. If diver/snorkeler is entering water by boat, what is the minimum approach distance of the boat to the animals?
- vi. Will the diver/snorkeler be dropped off downwind of the animals? And
- vii. Mitigation measures you will use to minimize disturbance, including specific measures you will use to avoid separating female-calf/pup/cub pairs.

c. Shore/land; provide i-iii, below:

- i. Will photographers be behind a blind?
- ii. Filming/photography equipment and method. (e.g., still or video camera with telephoto lens and size of lens)
- viii. Mitigation measures you will use to minimize disturbance, including specific measures you will use to avoid separating female-calf/pup/cub pairs.

d. Manned Aircraft; provide i-iv, below:

- i. Type of aircraft;
- ii. Type of survey (e.g., line transect, opportunistic);
- iii. Filming/photography equipment and method (e.g., still or video camera with telephoto lens and size of lens); and
- iv. Mitigation measures you will use to minimize disturbance, including specific measures you will use to avoid separating female-calf/pup/cub pairs.

e. Unmanned aircraft systems (UAS); provide i-ix, below:

- i. Size, mass, and battery life of UAS;
- ii. Will the UAS ever be beyond the line of sight?
- iii. Does the device have an auto-return feature should the device fail?
- iv. Ground control station description (what it is, where it will be located, e.g., on shore or on vessel, number of stations, and how close the station will be to animals);
- v. Spotter roles (e.g., one spotter monitoring the UAS, another for monitoring the ground control station);
- vi. Do you have the appropriate FAA permits/authorizations (including pilot licenses)?
- vii. Type of survey (e.g., line transect, opportunistic);

- viii. Filming/photography equipment and method (e.g., still or video camera with telephoto lens and size of lens); and
- ix. Mitigation measures you will use to minimize disturbance including specific measures you will use to avoid separating female-calf/pup/cub pairs, and measures to ensure the UAS will not collide or crash into any of the animals.

____ f. Other approach methods/platforms: provide a detailed description of each, including filming procedures, equipment, and all appropriate mitigation measures, including specific measures you will use to avoid separating female-calf/pup/cub pairs. (Note, we might contact you with follow-up clarification of methodologies.)

14. For each approach method described in 13, above, provide a-j, below. If you are proposing to film more than one species, complete a separate table for each species. You might need to add rows, depending on the number of different approach methods/platforms you use:

a. Species								
b. Approach Method & platform (identified in 13, above)	c. Age class (See 15, below)	d. Target animals: Maximum number of animals targeted for filming per day.	e. Maximum number of days per year filming activity will occur.	f. Estimated total number of animals targeted per year.	g. Maximum time spent with individual animals each day.	h. Minimum Approach distance to animals or altitude (if aerial platform).	i. Maximum number of non-target animals of the same species that might be harassed daily (see 17, below)	j. Specific geographic location(s) filming will occur (e.g., specific islands, bays, or latitude/longitude, within a specified geographic region or state).

15. Define each age class listed in your response to question 14(c), above, for each species (i.e., the range of months or years (or mass for otters) you will be filming: a) calves/pups/cubs; and/or b) juveniles; and/or c) adults.

16. What is the maximum number of days you will be in the field, annually, regardless of the filming method/platform used?

17. **Non-target Animals:** Provide:

- a. For each of the **target** species you will be filming, how did you determine the number of animals of the same species that might be harassed daily as a result of your filming activities (i.e., the numbers in i, above)? (e.g., based on previous encounter rates or abundance estimates for the specific area).
- b. A list of other **non-target marine mammal** (<http://mmc.gov/species/welcome.shtml>) or ESA-listed (<http://www.fws.gov/endangered>) species that might be in the vicinity of your filming activities in the wild.
- c. Describe the measures you will use to ensure that other marine mammal or ESA-listed species are not harassed, or disturbed, during your filming activities.

18. Include a description of the specific geographic location of filming and map, if available.

19. Will you be working in any areas that have been given special status (e.g., National Marine Sanctuary, National Wildlife Refuge, State Reserve, etc.)?

____NO ____YES; provide the contact information of the person with whom you have been in contact regarding your proposal to film in those areas.

20. Will you be using archival monitoring cameras?

____NO ____YES; specify how often those cameras would be serviced and the length of time servicing could last.

21. Explain how your filming will not exceed Level B harassment of animals of your **target** species. Include what actions

you would take if: a) your activities disrupt an animal that is feeding, breeding, nursing, or grooming; or b) your activities cause an animal to become aggressive or nervous. For example, would you cease your activities and slowly move away from the animal?

22. Coordination: Describe how you will collaborate or coordinate with filmmakers or researchers in your action area, and who they are.
23. For each person, provide a summary of activities that they will be performing and a copy of their curriculum vitae, resume, or summary of qualifications that includes their accomplishments and experience relevant to the proposed activities (e.g., filming marine mammals, operating vessels/vehicles in the presence of marine mammals, etc.), including any knowledge of the marine mammal species that is/are the subject of this application.
24. Provide the names of any advisors, researchers, or guides with expertise on the behavior of the target species, who will accompany you in the field.

APPLICATION FORM INSTRUCTIONS

The following instructions pertain to an U.S. Fish and Wildlife Service (FWS) permit applications. The General Permit Procedures in [50 CFR 13](#) address the permitting process. For simplicity, all licenses, permits, registrations, and certificates are referred to as a permit.

GENERAL INSTRUCTIONS:

- Complete all relevant questions in Sections A or B, C, D, and E.
- **An incomplete application may cause delays in processing or may be returned to the applicant. Be sure you are filling in the appropriate application form for the proposed activity.**
- Print clearly or type in the information. Illegible applications may cause delays.
- Sign the application. Faxes or copies of the original signature will not be accepted.
- Mail the original application to the address at the top of page one of the application or, if applicable, on the attached address list.
- **Keep a copy of your completed application.**
- **Please plan ahead. Allow at least 60 days for your application to be processed, however, some applications may take longer than 90 days to process (50 CFR 13.11).**
- Applications are processed in the order they are received.

SECTION A OR SECTION B:

Section A. **Complete if applying as an individual [do not complete this section if applying for Import/Export License (3-200-3)]:**

- Enter the complete name of the responsible individual who will be the permittee if a permit is issued. Enter personal information that identifies the applicant. **Fax and e-mail, while helpful in processing, are not required.**
- If you are applying on behalf of a client, the personal information must pertain to the client, and a document evidencing **power of attorney** must be included with the application.
- **Affiliation/ Doing business as (dba):** business, agency, Tribe, organizational, or institutional affiliation *directly* related to the activity requested in the application (e.g., a taxidermist is an individual whose business can *directly* relate to the requested activity). The Division of Management Authority (DMA) and the Office of Law Enforcement (OLE) do **not** accept *doing business as* affiliations for individuals (complete Section B)..

Section B. **Complete if applying as a business, corporation, public agency, Tribe, or institution:**

- Enter the complete name of the business, agency, or institution that will be the permittee if a permit is issued. Give a brief description of the type of business the applicant is engaged in. Provide contact phone number(s) of the business. If you are applying on behalf of a client, a document evidencing power of attorney must be included with the application.
- **Principal Officer** is the person in charge of the listed business, corporation, public agency, Tribe, or institution. The principal officer is the person responsible for the application and any permitted activities. Often the principal officer is a Director or President. **Primary Contact** is the person at the business, corporation, public agency, or institution who will be available to answer questions about the application or permitted activities. Often this is the preparer of the application.

ALL APPLICANTS COMPLETE SECTION C:

- For all applications submitted to the Division of Management Authority (DMA), a physical U.S. address is **required**.
- **Mailing address** is the address to which communications from USFWS should be mailed if different from applicant's physical address.

ALL APPLICANTS COMPLETE SECTION D:

Section D.1 **Application processing fee:**

- An application processing fee is required at the time of application, unless exempted under 50 CFR13. The application processing fee is assessed to partially cover the cost of processing a request. **The fee does not guarantee the issuance of a permit, nor will fees be refunded for applications for which processing has begun.**
- **Documentation of fee exempt status is not required for applications submitted by Federal, Tribal, State, or local government agencies; but must be supplied by those applicants acting on behalf of such agencies.** Such applications must include a letter on agency letterhead and signed by the head of the unit of government for which the applicant is acting on behalf, confirming that the applicant will be carrying out the permitted activity for the agency.

Section D.2 **Federal Fish and Wildlife permits:**

- List the number(s) of your most recent issued USFWS permit. If applying for re-issuance of a CITES permit, the original permit must be returned with this application.

Section D.3 **CERTIFICATION:**

- **The individual identified in Section A, the principal officer named in Section B, or person with a valid power of attorney (documentation must be included in the application) must sign and date the application.** This signature legally binds the applicant to the statement of certification. You are certifying that you have read and understand the regulations that apply to the permit. You are also certifying that all information included in the application is true to the best of your knowledge. Be sure to read the statement and re-read the application and your answers before signing.

ALL APPLICANTS COMPLETE SECTION E

Please continue to next page. DO NOT RETURN THIS PAGE WITH THE APPLICATION

APPLICATION FOR A FEDERAL FISH AND WILDLIFE PERMIT
Paperwork Reduction Act, Privacy Act, and Freedom of Information Act – Notices

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and the Privacy Act of 1974 (5 U.S.C. 552a), please be advised:

1. The gathering of information on fish and wildlife is authorized by:
(Authorizing statutes can be found at: <http://www.gpoaccess.gov/cfr/index.html> and <http://www.fws.gov/permits/ltr/ltr.html>)
 - a. Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22;
 - b. Endangered Species Act of 1973 (16 U.S.C. 1531-1544), 50 CFR 17;
 - c. Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21;
 - d. Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, *et seq.*), 50 CFR 18;
 - e. Wild Bird Conservation Act (16 U.S.C. 4901-4916), 50 CFR 15;
 - f. Lacey Act: Injurious Wildlife (18 U.S.C. 42), 50 CFR 16;
 - g. Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249), <http://www.cites.org/>, 50 CFR 23;
 - h. General Provisions, 50 CFR 10;
 - i. General Permit Procedures, 50 CFR 13; and
 - j. Wildlife Provisions (Import/export/transport), 50 CFR 14.
2. Information requested in this form is purely voluntary. However, submission of requested information is required in order to process applications for permits authorized under the above laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny the request. We may not conduct or sponsor and you are not required to respond to collection of information unless it displays a currently valid OMB control number.
3. Certain applications for permits authorized under the Endangered Species Act of 1973 (16 U.S.C. 1539) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374) will be published in the **Federal Register** as required by the two laws.
4. Disclosures outside the Department of the Interior may be made without the consent of an individual under the routine uses listed below, if the disclosure is compatible with the purposes for which the record was collected. (Ref. 68 FR 52611, September 4, 2003)
 - a. Routine disclosure to subject matter experts, and Federal, Tribal, State, local, and foreign agencies, for the purpose of obtaining advice relevant to making a decision on an application for a permit or when necessary to accomplish a FWS function related to this system of records.
 - b. Routine disclosure to the public as a result of publishing **Federal Register** notices announcing the receipt of permit applications for public comment or notice of the decision on a permit application.
 - c. Routine disclosure to Federal, Tribal, State, local, or foreign wildlife and plant agencies for the exchange of information on permits granted or denied to assure compliance with all applicable permitting requirements.
 - d. Routine disclosure to Captive-bred Wildlife registrants under the Endangered Species Act for the exchange of authorized species, and to share information on the captive breeding of these species.
 - e. Routine disclosure to Federal, Tribal, State, and local authorities who need to know who is permitted to receive and rehabilitate sick, orphaned, and injured birds under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act; federally permitted rehabilitators; individuals seeking a permitted rehabilitator with whom to place a bird in need of care; and licensed veterinarians who receive, treat, or diagnose sick, orphaned, and injured birds.
 - f. Routine disclosure to the Department of Justice, or a court, adjudicative, or other administrative body or to a party in litigation before a court or adjudicative or administrative body, under certain circumstances.
 - g. Routine disclosure to the appropriate Federal, Tribal, State, local, or foreign governmental agency responsible for investigating, prosecuting, enforcing, or implementing statutes, rules, or licenses, when we become aware of a violation or potential violation of such statutes, rules, or licenses, or when we need to monitor activities associated with a permit or regulated use.
 - h. Routine disclosure to a congressional office in response to an inquiry to the office by the individual to whom the record pertains.
 - i. Routine disclosure to the Government Accountability Office or Congress when the information is required for the evaluation of the permit programs.
 - j. Routine disclosure to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor or to consumer reporting agencies to prepare a commercial credit report for use by the FWS.
5. For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.
6. The public reporting burden on the applicant for information collection varies depending on the activity for which a permit is requested. The relevant burden for an Photography of Marine Mammals application is 1 hour 30 minutes. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: BPHC, Falls Church, VA 22041-3803.

Freedom of Information Act – Notice

For organizations, businesses, or individuals operating as a business (i.e., permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.13(c)(4), 43 CFR 2.15(d)(1)(i)].

DO NOT RETURN THIS PAGE WITH THE APPLICATION