



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



New  Reissue/Renew  Amendment

Complete Sections **A** or **B**, and C, D, and E of this application. U.S. address may be required in Section C.\*\*

<b>A. Complete if applying as an individual</b>				
1.a. Last name		1.b. First name	1.c. Middle name or initial	1.d. Suffix
2. Date of birth (mm/dd/yyyy)	5.a. Telephone number	5.b. Alternate telephone number	6. E-mail address	

<b>B. Complete if applying on behalf of a business, corporation, public agency, Tribe, or institution</b>			
1.a. Name of business, agency, Tribe, or institution		1.b. Doing business as (dba)	
2. Tax identification no.	3.a. Description of business, agency, Tribe, or institution		3.b. Website URL (if applicable)
4.a. Principal officer (P.O.) last name	4.b. P.O. first name	4.c. P.O. middle initial	4.b. P.O. Title
5. Primary contact name		6. Primary e-mail address	
7.a. Business telephone number		7.b. Alternate phone no.	8.a. Primary contact telephone no.

<b>C. All applicants complete address information</b>				
1.a. Physical address (Street address; Apartment #, Suite #, or Room #; no P.O. Boxes)				
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

<b>D. All applicants MUST complete</b>
1. Include a check or money order, payable to the U.S. FISH AND WILDLIFE SERVICE, a <b>nonrefundable processing fee (see the fee schedule)</b> . Federal, Tribal, State, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee – <b>attach documentation of fee exempt status as outlined in instructions.</b> (50 CFR 13.11(d))
2. If you are requesting a reissue/renew/amendment, what is your permit/file number?
3. 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.
The individual/principal officer of the business must print and sign the application. (No photocopied or stamped signatures) <span style="float: right;">Date (mm/dd/yyyy)</span>

\*\* Click here for additional instructions on completing the above form ([link to instruction page](#)). See the last page for information on the Privacy Act, Paperwork Reduction Act, Estimated Burden, and Freedom of Information Act aspects of this application form.

Mail your application(s) to Division of Management Authority, Branch of Permits, MS:IA 5275 Leesburg Pike, Falls Church, VA 22041-3803.

## 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.*

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### 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). 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:**

- 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).
- A permit 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 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.
- A permit 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/invoices: If you wish to provide information electronically, please include a flash drive containing your information with your physical application.

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. Who 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- DPS<sup>1</sup>) (*Enhydra lutris kenyoni*)
  - Northern sea otter (DPS) (*Enhydra lutris kenyoni*)
  - Southern sea otter (*Enhydra lutris nereis*)
  - West Indian manatee (*Trichechus manatus*)

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<sup>1</sup> 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.

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.

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 as an attachment 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
- ii.  Divers  Snorkelers;
- iii. Will divers use rebreathers?
- iv. Filming/photography equipment and method (e.g., still or video camera with telephoto lens and size of lens);
- v. Entry method of diver/snorkeler (i.e., boat or land);
- vi. If diver/snorkeler is entering water by boat, what is the minimum approach distance of the boat to the animals?
- vii. Will the diver/snorkeler be dropped off downwind of the animals? And
- viii. 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)
- iii. 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 as an attachment answers to 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. <b>Target animals:</b> 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 <b>non-target animals of the same species</b> 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 or ESA-listed 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.



## NOTICES

### PRIVACY ACT STATEMENT

**Authority:** The information requested is authorized by the following: the Bald and Golden Eagle Protection Act (16 U.S.C. 668), 50 CFR 22; the Endangered Species Act (16 U.S.C. 1531-1544), 50 CFR 17; the Migratory Bird Treaty Act (16 U.S.C. 703-712), 50 CFR 21; the Marine Mammal Protection Act (16 U.S.C. 1361, et seq.), 50 CFR 18; the Wild Bird Conservation Act (16 U.S.C. 4901-4916), 50 CFR 15; the Lacey Act: Injurious Wildlife (18 U.S.C. 42), 50 CFR 16; Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249), 50 CFR 23; General Provisions, 50 CFR 10; General Permit Procedures, 50 CFR 13; and Wildlife Provisions (Import/export/transport), 50 CFR 14.

**Purpose:** The collection of contact information is to verify the individual has an eligible permit to conduct activities which affect protected species. This helps FWS monitor and report on protected species and assess the impact of permitted activities on the conservation and management of species and their habitats.

**Routine Uses:** The collected information may be used to verify an applicant's eligibility for a permit to conduct activities with protected wildlife; to provide the public and the permittees with permit related information; to monitor activities under a permit; to analyze data and produce reports to monitor the use of protected wildlife; to assess the impact of permitted activities on the conservation and management of protected species and their habitats; and to evaluate the effectiveness of the permit programs. More information about routine uses can be found in the System of Records Notice, Permits System, FWS-21.

**Disclosure:** The information requested in this form is voluntary. However, submission of requested information is required to process applications for permits authorized under the listed authorities. Failure to provide the requested information may be sufficient cause for the U.S. Fish & Wildlife Service to deny the request.

### PAPERWORK REDUCTION ACT STATEMENT

We are collecting this information subject to the Paperwork Reduction Act (44 U.S.C. 3501) in order provide the U.S. Fish and Wildlife Service the information necessary, under the applicable laws governing the requested activity, for which a permit is requested. 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 applicable laws. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny the request. According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has approved this collection of information and assigned Control No. 1018-0093.

### ESTIMATED BURDEN STATEMENT

We estimate public reporting for this collection of information averages:

Original submission - paper-based: 2 hours  
Amended submission - paper-based: 1 hour 45 minutes  
Original submission - electronic: 1 hour 45 minutes  
Amended submission - electronic: 1 hour 30 minutes

These estimates include time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, Fish and Wildlife Service, U.S. Department of the Interior, 5275 Leesburg Pike, MS: PRB/PERMA (JAO), Falls Church, VA 22041-3803, or via email at [Info\\_Coll@fws.gov](mailto:Info_Coll@fws.gov). Please do not send your completed form to this address.