



## Photography of Marine Mammals for Educational or Commercial Purposes (MMPA)

New  Reissue/Renew  Amendment



### APPLICATION FORM INSTRUCTIONS

The following instructions pertain to 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.

If you are an individual, who would be named on the face of the permit, you need to complete the **Individual Applicant** section of this application.

If you are an individual seeking permits issued to yourself for activities not associated with your business or institution, you need to complete the **Individual Applicant** section as an individual permittee.

If you are an individual associated with a business or institution, and the business or institution's name would appear on the face of the permit, you need to complete the **Business Applicant** section of this application.

If you are a business applying on behalf of an individual, you need to complete the **Business Applicant** section of this application and include a limited power of attorney from the person for whom you represent.

A person/entity is qualified to obtain a U.S. Fish and Wildlife Service permit or license when they are "subject to the jurisdiction of the United States", per 16 USC 1532(13). A foreign person/entity with no permanent physical presence in the United States only qualifies for an import/export license when they physically enter or exit the U.S. with the wildlife items. The foreign entity is required to designate a U.S. agent for purposes of record keeping.

### GENERAL INSTRUCTIONS:

- 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. Items marked with an asterisk (\*) are required fields.
- 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.
- If you choose to mail your submission, mail the original application to the address listed below or, if applicable, on the attached address list. We encourage electronic filing in the ePermits system.
- Keep a copy of your completed application.
- Please plan ahead. Unless otherwise indicated, 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). Longer processing times will be noted on those applications.
- Applications are processed in the order they are received.

### Individual or Business Applicants:

Individual Applicant. **Complete if applying as an individual** [do not complete this application if applying for Import/Export License (3-200-3) or a Designated Port Exception Permit (3-200-2)]:

- Enter the information requested. Required fields must be completed. This is used to create your profile and consumer information in the ePermits system. **If you do not have an email address, enter not applicable.**
- **Doing business as (dba) / Affiliation:** The Division of Management Authority (DMA) and the Office of Law Enforcement (OLE) do **not** accept *doing business as* affiliations for individuals seeking permits on behalf of themselves. "Doing business as" affiliations apply to individuals seeking permits for a business, agency, Tribe, organizational, or institutional affiliation *directly* related to the activity requested in the application. For example, a taxidermist is an individual whose business can *directly* relate to the requested activity of exporting taxidermy (dba relevant permit); however, said taxidermist should not apply as a business for permits to non-business related travel with their pet exotic parrot (dba is **not** relevant to the permit; **complete** the **Business Applicant** section).

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

- Enter the information requested. Required fields must be completed. This is used to create your contact and account information in the ePermits system. **If you do not have an email address, enter not applicable.**
- 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.
- **The 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. Each person that is associated with the business that would need to access the business account needs to create their own contact in the ePermits system.

**Application processing fee:**

- An application processing fee is required at the time of application, unless exempted under 50 CFR 13. 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. Checks or money orders must be for the exact amount for each application submitted. If you are making more than one request, you must submit a separate payment for each request, otherwise your application will be returned.**
- **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.

**CERTIFICATION:**

- The individual identified in the Individual Applicant Section, the principal officer named in the Business Applicant Section, 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 THE QUESTIONS ASSOCIATED WITH YOUR APPLICATION**

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

Mail applications to: U.S. Fish and Wildlife Service; Division of Management Authority; Branch of Permits, MS:IA; 5275 Leesburg Pike; Falls Church, Virginia 22041-3803 or as directed by specific applications.

If you would like expedited mailing, 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.

Please refer to the [fee schedule](#) for the appropriate fees for the activity you are requesting.

**If you are making more than one request, you must submit a separate payment for each request, otherwise your application will be returned.**

## INDIVIDUAL APPLICANTS

*First Name	*Middle Name	*Last Name

*Email Address	*Telephone Number

*Street Address	*City

*State/Province	*Zip or Postal Code	*Country

If you wish to have your permit mailed to a different address, complete the following:

*Street Address	*City

*State/Province	*Zip or Postal Code	*Country

If you would like expedited mailing, 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.

Have you or your client (if a broker applying on behalf of your client), 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", 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.

## Certification Statement

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.

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Signature and date

Include a check or money order, payable to the U.S. FISH AND WILDLIFE SERVICE, as **a nonrefundable processing fee [50 CFR 13.11(d)(4)]** (see instructions above). 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))

**\*Required fields. Applications without this information are subject to delays or returns.**

## BUSINESS APPLICANTS

<b>*Business Name</b>	<b>doing business as (dba)</b>

\*Indicate your business type:

Business or other for profit    
  Small business    
  Government (Federal/State/Local/Tribal)  
 Farm    
  Not-for-profit institution

<b>Name that will appear on the permit if you are applying on behalf of an individual/business</b>

<b>*Primary Contact Name</b>	<b>*Primary Contact Email Address</b>
<b>*Business Email Address</b>	<b>*Preferred Contact Method</b> (e.g. phone, email)

<b>*Principal Officer Name</b>	<b>*Principal Officer Title</b>	<b>*Principal Officer Email</b>
<b>Tax ID Number</b>	<b>*Business Phone</b>	<b>Alternate Phone</b>

<b>*Street Address</b>	<b>*City</b>

<b>*State/Province</b>	<b>*Zip or Postal Code</b>	<b>*Country</b>

If you wish to have your permit mailed to a different address, complete the following:

<b>*Street Address</b>	<b>*City</b>

<b>*State/Province</b>	<b>*Zip or Postal Code</b>	<b>*Country</b>

If you would like expedited mailing, 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.

Have you or your client (if a broker applying on behalf of your client), 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", 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.

## Certification Statement

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.

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Signature and date

Include a check or money order, payable to the U.S. FISH AND WILDLIFE SERVICE, as **a nonrefundable processing fee [50 CFR 13.11(d)(4)]** (see instructions above). 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))

**\*Required fields. Applications without this information are subject to delays or returns.**

## PHOTOGRAPHY OF MARINE MAMMALS FOR EDUCATIONAL OR COMMERCIAL PURPOSES (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.*

**Use this application to apply for a permit to film (i.e., photograph/video) marine mammals** under the jurisdiction of the FWS (sea otters, marine otter, polar bears, walrus, manatees, and dugong).

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, such as 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 (such activities are considered Level A harassment).

**NOTE 1:** This application is for discrete photography projects that will result in products such as documentary films, magazine articles, commercial photographs, etc.

**NOTE 2:** Renewal and amendment requests require responses to all the questions in the application.

### This form should NOT be used 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).
- Photography activity to collect stock images for an undetermined project. You must be working on a specific project that will result in a publicly available product.
- Public display of marine mammals (use Form [3-200-43a](#)), including import for public display under the MMPA/ESA.
- Scientific research (use Form [3-200-43b](#)), including import/export under the MMPA/ESA for research purposes.
- Enhancement under the MMPA and/or ESA, including import/export under the MMPA/ESA for enhancement of the propagation or survival of the species (use Form [3-200-43c](#)).
- A letter of authorization (LOA) under MMPA Sections 109(h)/112(c) rescue, rehabilitation, and release of stranded marine mammals, including import of live animals and/or import, export, or re-export of samples for rescue-rehab purposes (use Form [3-200-43d](#)).
- Domestic transfer of specimens (parts/samples), domestic live marine mammal transfers and non-releasability requests (use Form [3-200-87](#)).
- Photography activities involving marine mammals under jurisdiction of the National Marine Fisheries Service (NMFS) (whales, dolphins, porpoises, seals, and sea lions); please contact [NMFS](#).

**Please review the complete application carefully before beginning. Provide complete answers to all questions in the application.** If a question is not applicable, answer with "N/A." If you provide additional information as attachments, indicate the application question number you are addressing. If you are applying for multiple species and/or activities, be sure to indicate which species/activity(ies) you are addressing in each response.

This application is for (choose all that apply):

A new permit

Photography/Videography (commercial)

Photography/Videography (educational)

Renewal\* of permit # \_\_\_\_\_

Amendment\* of 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.)

1. Check the scientific name (genus, species, and if applicable, subspecies) and common name for each species ("target") you are applying for 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*)

2. If this species is protected under the ESA, attach a justification for filming an ESA-listed species and explain why your activities for a similar non-ESA-listed species would not be appropriate.

3. 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.**

4. 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).

5. 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.

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

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

No  Yes, provide responses for a-c below:

a. The minimum age (or mass) of the dependent calf/pub/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.

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<sup>1</sup> In 2005, the FWS 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.



8. 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 calve/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).
9. 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:
- Type and size of boat/vessel;
  - 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);
  - 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:
- Maximum number of individuals, including the safety diver/snorkeler, in the water at a given time  
 Divers \_\_\_\_\_  Snorkelers \_\_\_\_\_
  - Will divers use rebreathers?  No  Yes
  - Filming/photography equipment and method (e.g., still or video camera with telephoto lens and size of lens);
  - Entry method of diver/snorkeler (i.e., boat or land);
  - If diver/snorkeler is entering water by boat, what is the minimum approach distance of the boat to the animals?
  - Will the diver/snorkeler be dropped off downwind of the animals?  No  Yes
  - 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:
- Will photographers be behind a blind?
  - Filming/photography equipment and method. (e.g., still or video camera with telephoto lens and size of lens)
  - 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:
- Type of aircraft
  - Type of survey (e.g., line transect, opportunistic)
  - Filming/photography equipment and method (e.g., still or video camera with telephoto lens and size of lens)
  - 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. Size, mass, and battery life of UAS
  - ii. Will the UAS ever be beyond the line of sight?  No  Yes
  - iii. Does the device have an auto-return feature should the device fail?  No  Yes
  - iv. Ground control station description (description, 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)?  No  Yes
  - 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)
  - 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 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.)

10. For each approach method described in 9, above, provide as an attachment (table or spreadsheet), 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 9, above)	c. Age class (See 11, 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 13, below)	j. Specific geographic location(s) filming will occur (e.g., specific islands, bays, or latitude/longitude, within a specified geographic region or state).

11. Define each age class listed in your response to question 10(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.

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

13. **For 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.

14. Describe the specific geographic location of filming and provide a map, if available.

15. 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.

16. 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.

17. Explain how your filming will not exceed Level B harassment 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. (e.g., would you cease your activities and slowly move away from the animal?)

18. Coordination: Describe how you will collaborate or coordinate with filmmakers or researchers in your action area, and who they are.

19. For each person involved, 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.

20. 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), 50vCFR 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 to average:

Original submission - paper-based: 2 hours  
Original submission - electronically: 1.75 hours  
Amended submission - paper-based: 1.75 hours  
Amended submission - electronically: 1.5 hours

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 (JAO/3W), 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.