National Marine Fisheries Service
Marine Mammal Commercial or Educational Photography Permit Application

Table of Contents

INTRODUCTION 3
THESE INSTRUCTIONS ARE NOT FOR: 3
NEW TO COMMERCIAL AND EDUCATIONAL PHOTOGRAPHY PERMITS? WANT TO FILM ENDANGERED OR THREATENED SPECIES? HAVE QUESTIONS OR NEED HELP? 3
WHEN FILLING OUT YOUR APPLICATION 3
APPLICATION INSTRUCTIONS 4
PROJECT INFORMATION 4
PROJECT PURPOSE: OBJECTIVES AND JUSTIFICATION 4
PROJECT DESCRIPTION 5
Overview 5
Methods 6
TABLE 1. GUIDANCE ON DESCRIBING COMMONLY USED METHODS 6
NON-TARGET MARINE MAMMALS 7
PROJECT SUPPLEMENTAL INFORMATION 8
Effects and Mitigation 8
Coordination with Scientists or Other Permit Holders 8
Public Availability of Product/Publications: 9
PROJECT LOCATIONS 9
TAKE TABLE 9
Columns you will fill out in the take table in APPS: 9
ANTICIPATED EFFECTS ON THE ENVIRONMENT 11
PROJECT CONTACTS 12
Descriptions of Personnel Roles 12
Table 2. UAS Personnel 14
Table 3. Example Personnel Roles 14
Qualifications and Experience 14
Attachments 15
CERTIFICATION AND SIGNATURE 15
SUBMIT APPLICATION 15
ADDITIONAL INFORMATION 15
WHEN SHOULD I APPLY? 15
WHAT ARE THE ADVANTAGES OF GETTING A COMMERCIAL OR EDUCATIONAL PHOTOGRAPHY PERMIT? 15
WHAT IF I WANT TO FILM MARINE MAMMALS LISTED AS THREATENED OR ENDANGERED? 15
WHAT IS THE PROCESS FOR GETTING A COMMERCIAL AND EDUCATIONAL PHOTOGRAPHY PERMIT? 16

WHAT IS THE PROCESS FOR REQUESTING AN AMENDMENT TO A PERMIT? 16
APPLICABLE LAWS AND REGULATIONS 16
PAPERWORK REDUCTION ACT STATEMENT 17

Introduction

These instructions are for submitting an application for a **Commercial/Educational Photography Permit under the Marine Mammal Protection Act (MMPA)**.

Photography and filming activities must involve only Level B harassment.[1] Projects must be discrete with specific time frames and result in products available to the general public. Examples include documentary films, published magazine articles, books, and commercial photographs.

These instructions are **not** for:

- Photography or filming focused on or that may affect marine mammals listed as endangered or threatened under the Endangered Species Act (ESA). Photography permits cannot authorize harassment of threatened or endangered species. See a list of ESA species under NMFS' jurisdiction.
- Photography that exceeds Level B harassment.
- 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.
- Scientific research on marine mammals.

New to Commercial and Educational photography permits? Want to film endangered or threatened species? Have questions or need help?

We recommend you visit our photography permit web page, see the Additional Information, or contact us at nmfs.pr1.apps@noaa.gov.

When filling out your application

- Your application must be a stand-alone document that describes all proposed activities and is readable to a layperson.
- If you do not follow these instructions, your application will be returned.
- You will need to enter this information in our online permit system APPS[2]

Entering your information into APPS:
• **Save your application every 30 minutes or you will lose information!** • Consider using these instructions as a template to draft your application in Word and then cut and paste into APPS. • To save any information you must click the "Save" button. Once the application has been initialized you will see additional sections. Your application will remain in draft mode until you submit.

[1] Level B harassment means any act of pursuit, torment, or annoyance which has 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 but which does not have the potential to injure a marine mammal or marine mammal stock in the wild.

[2] We are in the process of revising APPS and this link will be updated when the new system is available.

Application Instructions

Project Information

File Number: This number is generated by APPS and cannot be changed. To facilitate processing, reference this File No. in correspondence with our office.

Project Title: Provide a concise title that includes activities, species (or taxa if multiple species), location, and purpose of the filming. For example:

- *Filming bottlenose dolphin behavior in south Florida for a television series.*

Previous Federal or State Permit #: If applicable, enter your most recent and closely related NMFS permit number. Otherwise leave blank.

Permits Requested: MMPA Commercial/Educational Photography permit should be listed based on your answers in the PAG. If the option is incorrect, please contact us at nmfs.pr1.apps@noaa.gov.

Where Will the Activities Occur? One or more general locations will be listed based on your answers in the APPS pre-application guide.

Timeframe: Enter the desired start and end dates of the entire project in the following format: MM/DD/YYYY.

- If your project involves less than one year of planned fieldwork, you should consider requesting a 2-year permit in case another season or year of filming is needed to obtain the footage.

Duration Justification: Justify your requested permit duration. The duration should be reasonable in scale, based on your objectives, study design, and available resources.

Sampling Season/Project Duration: Describe in which months or seasons you will work. If year-round, indicate when activities are most likely to occur. How frequently will you conduct your activities?

Abstract: A short summary that must include:

- Purpose of the filming/photography.
- Species that may be harassed (common names). If filming many species, you can summarize instead of listing every one. For example: *10 species of cetaceans and 5 species of pinnipeds*.
- Type of filming/photography activities (e.g., boat-based filming, filming via uncrewed aircraft systems, underwater filming).
- Where your activities will occur.

Project Purpose: Objectives and Justification

We recommend you provide the information in this order:

1. Discuss the purpose of your project including your objectives.
2. Describe the anticipated end product(s) of your project.

3. Explain if stock photos/footage are available and if so, why your project requires new images or video.
4. Explain how you estimated your take numbers. For example, did you base take numbers on the number of filming days and average animal group size or abundance estimates for your location? See additional guidance below for counting takes.
5. Indicate the number of times the same individuals may be intentionally filmed or harassed in a year. Explain why this repeated filming is needed to meet your objectives.

How to Count Takes of Pinnipeds

• Count 1 take per pinniped per day for those hauled-out animals that react to the research, regardless of the number of approaches or responses, including:
  ○ Movements of twice the animal's body length or more,
  ○ Changes of direction greater than 90 degrees, or
  ○ Retreats (flushes) to the water.
• Count 1 take per animal per day for those pinnipeds in water that exhibit a noticeable adverse behavioral response from your activities.
• Do not count alert behaviors such as:
  ○ Turning head towards the disturbance,
  ○ Craning head and neck while holding the body rigid in a u-shaped position,
  ○ Changing from a lying to a sitting position, or
  ○ Brief movements of less than twice the animal's body length.

How to Count Takes of Cetaceans
• Count every cetacean approached regardless of whether a behavioral reaction has occurred. • During vessel and aerial surveys, only count 1 take per animal per day including all approaches.   ○ An "approach" is defined as a continuous sequence of maneuvers involving a vessel, equipment, or researcher's body, including drifting, directed toward a cetacean or group of cetaceans closer than 100 yards for baleen and sperm whales and 50 yards for all other cetaceans. • For UAS surveys flown at a distance less than 50 yards (150 feet), count 1 take per cetacean observed per day, regardless of the number of passes over the same animal. • During crewed aerial surveys flown at an altitude lower than 1,000 feet, count 1 take per cetacean observed per day, regardless of the number of passes over the same animal.

Project Description

Overview

1. Provide a **brief overview of a typical day** in the field and the suite of activities you intend to perform during a marine mammal encounter. Discuss the order in which you'll perform the different methods. Include where your work will happen, especially if different projects occur in different locations.

Methods

Describe your methods following the guidance below. Your narrative description must match your APPS take table (see Take Table section below).

- **Mitigation** measures that are inherent to your methods may be included in this section or in the Effects and Mitigation section below.
- **Figures and photographs** that illustrate your methods are useful. You can attach them on the Attachments page at the end of the application.

1. **Provide clear descriptions of all methods** (i.e., procedures in your APPS take table) you will use to film or photograph each species.
   - See guidance in Table 1 below for what details to include.
   - Provide a brief statement of **how each procedure or suite of procedures relate to meeting your objectives**.

Table 1. Guidance on Describing Commonly Used Methods

Take action/ Procedures	Method Description Guidance
Filming and Photography	Approach method (e.g., by foot, vessel or aircraft) Filming/photography equipment and methods Minimum approach distances Within sight of animals or not (e.g., from a blind)? Number and frequency of filming trips per year Duration spent with group or individual per day by activity
Underwater Photography/ Videography	Method (e.g., snorkeling, underwater pole cam, conventional scuba gear, or re-breathers) Maximum number of individuals in the water at a given time and their roles (including safety divers) Minimum approach distance to animals Duration spent with same animals per day
Aerial (crewed), Ground, and Vessel (crewed or uncrewed/ remote) platforms	Type of aircraft and vessel Number of trips per year Air speed Vessel speed Minimum altitude or approach distance to animals Protocols for approaching on land, whether a blind or cover will be used Duration spent with group or individual per day Number of platforms (aircraft and vessel) to be operated at the same time
Uncrewed Aircraft Systems (UAS)	Provide the general aerial survey information above and the following: Type of UAS – fixed wing or vertical takeoff and landing (VTOL) Number of UAS to be operated at the same time Payload components – what is the UAS carrying? Ground control station (what it is, where is it located - on shore or on vessel, number of stations, and how close the station will be to animals) Encounter duration – maximum amount of time over same animals The appropriate FAA permits/authorizations (including pilot licenses)

Take action/ Procedures	Method Description Guidance
Remotely Operated Vehicle (ROV), Vessel or Amphibious	For underwater and amphibious ROVs, same details as for vessel surveys and also: Description and size of ROV Whether it is tethered or wireless, tether material and length Describe any light sources Whether there will be a live video feed monitored Encounter duration

2. Provide a description of how you will **differentiate age classes** (e.g., neonate, calf/pup, juvenile, subadult, adult). If applicable, distinguish by taxa or species.
3. State if and how you will target:
   - Calves/pups (specify age/dependency);
   - Females accompanying calves/pups (specify age);
   - Pregnant females, and if so, include estimated trimester; and/or
   - Compromised animals.

Non-target Marine Mammals

4. Discuss whether and how non-target marine mammals may be unintentionally harassed and what you will do to minimize or eliminate harassment.

These are marine mammal species that co-occur with your target species and that could be harassed during your filming activities.

Guidance for how to include non-target marine mammals in your Take Table:

- For **non-target species that may be encountered and filmed**, include unintentional harassment and the applicable procedures (e.g., photograph/video, UAS, etc.) based on your filming method in your take table. Include "unintentional harassment/filming" in the details column.
- For **non-target species that may be encountered and harassed but would NOT be filmed**, only include “unintentional harassment” in your take table and no other procedures. Include “no filming” in the details column.

Please note:

- Photography permits cannot authorize harassment of threatened or endangered species. If ESA-listed species occur in your project area, explain how you will identify and avoid them (e.g., not in area during time of study; would not approach closer than 100 yards; would halt operations until non-target species moved out of study area).
- Other non-target taxa (e.g., sea turtles, corals, U.S. Fish and Wildlife species) should be addressed in the Effects and Mitigation section below.

Project Supplemental Information

Effects and Mitigation

1. Discuss how **take table actions** (Observe/Collect Methods and Procedures) **will affect target and non-target animals.** You may include mitigation and monitoring protocols here, or above in your methods. Do not restate them here if they are included above; simply reference the section where the following information is found.

Cite the **best available science** (i.e., peer-reviewed literature or other published data sources) and your experience (e.g., personal communication, annual permit reports). References must be made available upon request.

Group together take actions with similar responses and describe, as applicable:

- Typical behavioral responses
- Worst-case responses
- % of animals that typically exhibit each response type
- Condition of animals on resight
- Time it takes to resume normal behavior after disturbance
- Time it takes to repopulate rookeries/haul outs after flushing
- Effects on lactating females and their dependent young or other sensitive life stages

2. Explain how your activities will not result in injury, mortality, or reproductive effects.
3. Describe what **mitigation measures** you will employ to **minimize adverse reactions**. If you will use the same mitigation measures for a suite of activities, you may provide one discussion for each suite of activities (e.g., close approach by vessel for filming, acoustic recordings, underwater filming, and behavioral observations).
4. If working with dependent calves/pups, their moms, or known pregnant females, give specific protocols for working around them, including how you will avoid separating mothers from calves/pups.
5. Describe your **monitoring** protocols after your activities.
   Explain if and why monitoring or mitigation is not feasible for specific species, situations, etc.
6. Please describe any mitigation you will take to avoid or minimize impacts to non-target protected taxa (e.g., sea turtles, corals, USFWS species). Discuss whether and how they may be unintentionally harassed or otherwise affected.

Coordination with Scientists or Other Permit Holders

7. Include the names and affiliations of scientific advisors and whether they will be in the field with you.
8. Describe how you will coordinate and collaborate with other permitted filmmakers or researchers in your filming area.
   - List their names and affiliations.

- Explain how you will work together. For example, will you share vessels or coordinate the timing of surveys to avoid repeated harassment of the same animals?

Public Availability of Product/Publications:

9. Describe the **end product**(s) of your proposed photography/filming and how they will be made available to the public. For example, will it be a feature film released in theaters? A television documentary that will air on a specific network or country? A children's book that will be published? Will your project have a web component?

Note: Your final product will need to include your permit number. You will also need to include your permit number in other formats that use the photographs or video, such as DVDs and websites.

Project Locations

First, you will describe where you plan to work. Then, for each location, use the Take Table to list the species you expect to encounter and the filming/photography procedures you will conduct.

1. Add **New Location**: Provide information about one or more shoot locations
   - General area (ocean basin)
   - State(s), as applicable.
2. Enter **Location Details**, as applicable:
   - Waterbody: enter names of rivers, estuaries, bays, etc.
   - Latitude and longitude of your shoot location
   - Limits of your shoot location (e.g., to the U.S. EEZ, to the edge of the continental shelf, to 50m depth)
   - Names of land masses where filming/photography will occur (e.g., islands, rookeries).

3. Use the mapper tool at the bottom of the page to denote your study location(s) or, on the Attachments page, attach a map(s) to scale that clearly shows the location of your proposed activity.

Take Table

The take table represents the **estimated number of animals** you expect to take **annually** during filming and photography.

Columns you will fill out in the take table in APPS:

1. **Species**: Use the drop down list. Commercial photography permits are for non-ESA listed species only. You **cannot** select endangered or threatened species.
2. **Listing Unit/Stock**: Select the applicable MMPA stock based on your shoot location. You should select multiple stocks from the dropdown for one row if you will not be able to identify singular stocks in the field. Choose Range-wide if it is the only stock available.

3. **Life Stage**: Select from the drop-down list. You may enter take information for more than one life stage (e.g., adult versus juvenile) on separate rows or select a combination of life stages on the same row.
4. **Sex**: Select from the drop-down list. If your activity targets only one sex, indicate which. Otherwise select Male and Female.
5. **Expected Take**: This represents a **reasonable estimate** of the number of animals you will take, **annually**.
6. **Take Action**: Select Harass.
7. **Observe/Collect Method**: Select the method of observation (e.g., survey, vessel). If various methods will be used, you must provide take information in separate rows. If you will be approaching animals from a boat to fly UAS surveys, select "survey, aerial/vessel."
8. **Procedures**: You will open a separate pop-up window with a species-specific list of activities. Check the boxes to select all activities to be performed concurrently on the same animals.
   a. Here is a list of the procedure (i.e., method) options in the APPS take table:
      - Acoustic, passive
      - Dive/snorkel
      - Observations
      - Other
      - Photograph/video
      - Remote video monitoring
      - ROV
      - UAS
      - Unintentional harassment
   b. Choose Other if your proposed activity is not listed. In the Details box, briefly describe what the Other means.
   c. See the Non-target Marine Mammals section for when to use "Unintentional Harassment" and how to enter procedures for these species depending on whether you will be filming them.
9. **Begin Date**: Populated with the Begin Date you entered on the Project Information page. You may change the date to coincide with a specific project time that is shorter than the overall duration of the project. You cannot enter a date that is earlier than your original Begin Date.
10.
11. **End Date**: Populated with the End Date entered on the Project Information page. You may change the date to coincide with a specific project time shorter than the overall duration of the project. You cannot enter a date that is later than the End Date you previously entered.

12. **Details (Optional)**: You may provide details on each take table row. This is especially useful to clarify age class, specific activities, or projects.

Anticipated Effects on the Environment

1. Will you be working in or near areas with unique environmental characteristics or important scientific, cultural or historical resources? Yes or No.
   Examples include:
   - Animals used for subsistence
   - Archaeological resources
   - Critical Habitat of ESA-listed species
   - Essential Fish Habitat including wetlands, coral reefs, sea grasses, and rivers
   - Federally recognized Tribal and Native Alaskan lands, cultural or natural resources, or religious or cultural sites
   - Marine Protected Areas
   - National or State Parks
   - National Marine Sanctuaries and National Monuments
   - National Historic Landmarks
   - Sites listed in or eligible for listing in the National Register of Historic Places
   - Wild and Scenic Rivers
   - Wilderness Areas
   - Wildlife Refuges

   a. If yes, please list those areas. As applicable, mention if you will need to or have already obtained permission (licenses, permits, authorizations) to work in these areas.
   b. How would your activities affect such resources? What measures will you take to ensure your work does not cause loss or destruction of such resources?
   c. For marine mammal activities in Alaska or Washington, how will you ensure your project does not adversely affect the availability (e.g., distribution, abundance) or suitability (e.g., food safety) of marine mammals for subsistence uses?
2. Discuss if your activities have the potential to impact the physical or biological environment, in particular coastal and marine environments. Impacts can be positive or negative. Examples of potential impacts include:
   - Altering substrate while anchoring vessels and buoys.
   - Using bottom trawls or other types of nets.
   - Erecting blinds or other structures.
   - Ingress and egress of researchers.
   - Injuring or killing benthic organisms (e.g., sea grass, corals).
   - Altering the physical or chemical characteristics of water (e.g., oil spills)
   - Affecting a species' abundance or distribution.
3. Invasive Species
   a. Does your project involve activities known or suspected of introducing or spreading invasive species, intentionally or not? Examples include transporting animals, discharging ballast water, and using boats/equipment at multiple sites. Yes or No.

   b. Describe measures you would take to prevent the possible introduction or spread of non-indigenous or invasive species, including plants, animals, microbes, or other biological agents.
4. Biological Specimens
   a. Will your activities involve collecting, handling, or transporting potentially infectious agents or pathogens, such as biological specimens (animals, blood, tissues)? Yes or No.
   b. Will your activities involve using or transporting hazardous substances, such as toxic chemicals? Yes or No.
   c. If yes to either question, describe the protocols you will use to ensure that public health and human safety are not adversely affected, such as by spread of zoonotic diseases, chemical injuries, or contamination of food or water supplies.
5. Do your activities involve equipment (e.g., scientific instruments) or techniques that are untested, or have unknown or uncertain impacts on the biological or physical environment? Yes or No.
   If yes:
   a. Briefly describe the equipment or techniques and provide any information about the use of these in your study area and/or with other taxa and what is known about their impacts.
   b. Discuss the degree to which they are likely to be adopted by others for similar activities or applied more broadly.

Project Contacts

The person entering the application in APPS will automatically be assigned the following roles: **Applicant/Permit Holder, Principal Investigator (PI),** and **Primary Contact**.

1. You may need to change or add personnel.
2. Use the guidance below to help you decide who should have what role.
3. To prevent duplicate entries, **ALWAYS search APPS for the person before entering a new contact.** Start with the last name in the APPS search box.
4. **Include a table** with the names of the PI and Co-Investigators (CIs), and the specific procedures they will oversee or conduct (see example Table 3). **Attach the table on the Attachments page**.
5. As you add personnel, **check whether each person already has a Qualifications Form (QF) in APPS.** It will appear next to their name once you add them to your Contacts page. If there is not a QF in APPS, then attach one for the PI and each CI. See Qualifications and Experience below.

Descriptions of Personnel Roles

A project must have a **Responsible Party if the Applicant/Permit Holder is an organization, institution, or agency**. The Responsible Party or Applicant/Permit Holder is an official who has the legal authority to bind the organization, institution, or agency and is ultimately responsible for the activities of any individual operating under the authority of the permit.

The **Principal Investigator** (PI) is the individual primarily responsible for the take and any related activities conducted under the permit. There can only be one PI on a permit. The PI:

- Must have qualifications, knowledge, and experience relevant to the activities authorized by the permit.
- Must be on site during activities conducted under the permit unless a Co-Investigator is present to act in place of the PI.
- May also be the Applicant/Permit Holder and Primary Contact.

The **Primary Contact** is the person primarily responsible for correspondence during the application review process and after a permit is issued. Typically this person administers the permit, submits amendments (e.g., personnel changes), and submits reports. The Primary Contact may also serve other roles on the permit (e.g., Applicant/ Permit Holder, PI, CI).

The Applicant/Permit Holder or Responsible Party, PI, and Primary Contact will have access to APPS to enter and edit the application, submit reports and modification requests, and will receive automatic emails from APPS.

Co-Investigators (CIs) are individuals who are qualified and authorized to conduct or directly supervise activities conducted under a permit without the on-site supervision of the PI.

- You must add CIs to the application if the PI will not always be present during the permitted activities.
- CIs can also be added or removed once a permit has been issued.

If an individual is always under supervision of the PI or another CI, they do **not** need to be named on the permit.

UAS Pilots are persons who have their FAA-certification to fly uncrewed aircraft systems and experience piloting UAS. A CI or the PI with marine mammal experience may be qualified to serve in this role. In other cases, you may designate someone as a UAS Pilot who is tasked with only that role and does not have marine mammal experience.

Personnel for UAS

To fly UAS, we recommend you have: 1) someone with experience working with the target species in the wild, and 2) someone who is FAA-certified to conduct or oversee UAS flights with approximately 5 hours of flight experience. These may be satisfied by one or more persons, depending on the qualifications of your team. The following scenarios in Table 2 describe the personnel roles for UAS that you may request based on their qualifications.

Table 2. UAS Personnel

Scenario 1: Species expert who is also an FAA-certified UAS pilot	
If the person has:	They may be named as:
Experience working with the subject species/taxa in the wild **and** UAS experience with an FAA UAS certification	**PI or CI to supervise and operate UAS**. No separate UAS Pilot required to be named on the application
Scenario 2: Species expert (PI or CI) accompanied by an FAA-certified UAS pilot	
If the person has:	They may be named as:
Experience working with the subject species/taxa in the wild, but no UAS experience	**PI or CI to supervise UAS**. A separate UAS Pilot must be named for the UAS operation
UAS experience and FAA UAS certification but no marine mammal experience	**UAS pilot to operate the UAS or directly oversee operation** as the remote pilot in command. The UAS pilot must be supervised by the PI or a CI with marine mammal experience

In addition, you must submit a table (see Table 3) defining the PI and CI roles and activities (i.e., supervising or conducting specific procedures). Attach this table on the Attachments page.

Table 3. Example Personnel Roles

Name	Role	Activities
Jane Doe	Principal Investigator	Supervise and perform all activities under the permit
John Smith	Co-Investigator	Conduct and oversee underwater filming operations
Bob Jones	Co-Investigator	UAS pilot

As you add personnel, **check whether each person already has a QF or biosketch in APPS.**

Qualifications and Experience

The PI and each CI must have a CV, resume, biosketch, or QF. The document must include the person's relevant filming experience, including their experience with marine mammals or other marine life for each activity they would be authorized to conduct.

Persons authorized as the PI or CIs must have qualifications corresponding to their duties. If you do not provide sufficient information, we will not authorize the person(s).

All documentation submitted will be publicly available. **DO NOT** include personal information (e.g., social security number, nationality, date of birth, home phone). Include:

- Name (first, middle initial, last)

- Title
- Affiliation
- Business e-mail address
- Business phone number
- Relevant education and training, including certificates or licenses held
- Relevant work experience, including previous documentaries, films or other publications and experience filming or working with marine mammals or other wildlife (include species).

For UAS pilots, please **DO NOT** send a copy of their FAA certification. The FAA card contains additional personal information that we do not need.

Attachments

You can attach files requested throughout the application on the Attachments page.

- Preferred file formats: Microsoft Word, Excel, or PDF.
- As applicable, attach a personnel table (See Table 3) with the names of the PI and CIs, and the specific procedures they will oversee or conduct.
- Examples of required files, depending on the permit type: literature references, map, figures, and photographs.

Certification and Signature

Before you can submit your application you must authenticate your identity, certify that all information is correct, and sign the application.

Submit Application

Submit your application via our online system APPS. If you encounter problems email us at nmfs.pr1.apps@noaa.gov.

Additional Information

When should I apply?

At least 4 months before your project will begin, preferably 6 months prior.

What are the advantages of getting a commercial or educational photography permit?

Having a permit allows you to approach the animals closer than if you do not have a permit and have to follow the viewing guidelines. Also, a permit authorizes you to film by the methods and the locations that you describe in your application. You may have more flexibility and autonomy filming under your own permit rather than working with a permitted researcher.

What if I want to film marine mammals listed as threatened or endangered?

You cannot get an MMPA commercial or educational photography permit to film species listed under the Endangered Species Act. However, you have several options:

1. Use footage or images that already exist.

2. Collaborate with a permitted scientist.
3. Follow NOAA Fisheries' marine mammal viewing guidelines and approach regulations.
4. Film in locations outside the Marine Mammal Protection Act's jurisdiction.

See our photography permit web page for more information about these options.

What is the process for getting a commercial and educational photography permit?

1. Follow these instructions and contact the NMFS Permits and Conservation Division at nmfs.pr1.apps@noaa.gov or 301-427-8401 with any questions.
2. Submit your application via APPS.
   a. A permit analyst will review your application and contact you if additional information is needed.
3. Address any questions within 60 days or your application will be withdrawn.
   a. Once we consider your application complete, we will publish a notice in the Federal Register, which starts a mandatory 30-day public comment period.
   b. Concurrently, we will send your application to the Marine Mammal Commission and other subject matter experts in partner institutions and federal and state agencies for review.
4. Address any questions received during the comment period.
   a. We will draft the permit and supporting documentation (including National Environmental Policy Act analyses and documentation of MMPA issuance criteria).
   b. The documents will be reviewed by various NMFS offices including a legal review.
   c. The Office Director will decide whether to issue or deny your permit.

What is the process for requesting an amendment to a permit?

Use APPS to request an amendment to your permit. You'll need to provide a description of your proposed changes and include all the necessary details for those changes, as applicable. Use these application instructions as a guide. For example, changes to your objectives will require that you discuss all the points in the Project Purpose section. Additions to personnel require QFs and descriptions of their roles.

Applicable Laws and Regulations

Under section 104(c)(6) of the MMPA, a permit may be issued for photography of marine mammals in the wild for educational or commercial purposes where the photography activities do not exceed Level B harassment. Interested persons are required to submit an application in accordance with the MMPA and the implementing regulations at 50 CFR part 216, subpart D. Application Instructions for Photography (50 CFR 216.42, Reserved) have not yet been proposed. NMFS regulations implementing the general permit provisions of the MMPA are in 50 CFR sections 216.33 – 216.35. Section 216.33 contains requirements for application submission, the process for application review, and issuance or denial procedures. Section 216.34 specifies issuance criteria. Section 216.35 specifies permit restrictions. These instructions for applying for a photography

permit are drawn from, but do not substitute for, the MMPA and its regulations. Under NEPA, Federal agencies must assess the effects of federal actions on the environment.

The permit application and any associated documents, including any reports required, are subject to the Freedom of Information Act.

Paperwork Reduction Act Statement

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995 unless the information collection has a currently valid OMB Control Number. The approved OMB Control Number for this information collection is 0648-0084. Without this approval, we could not conduct this information collection. Public reporting for this information collection is estimated to be approximately 16 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. All responses to this information collection are required to obtain a photography permit pursuant to the MMPA, NEPA, and their implementing regulations. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Chief, Permits and Conservation Division, Office of Protected Resources, F/PR1, NOAA/National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910; email nmfs.pr1.apps@noaa.gov.