

Answers to accompany Ernest Kovacs **Application for a permit to film (i.e., photograph/video)**  
**Southern Sea Otter under the jurisdiction of the U.S. Fish & Wildlife Service in the United States**  
**USFWS PERMIT**

**SECTION E**

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.

**Ernest Kovacs**  
**980 Portola Dr.**  
**Monterey, CA 93940**

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

**Ernest Kovacs 1(831)-521-5056**  
**erniekovacsfilms@gmail.com**

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**

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

PHOTOGRAPHY/VIDEOGRAPHY

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

Southern sea otter (*Enhydra lutris nereis*)

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 for a similar non-ESA-listed species would not be appropriate.

The program "Extreme Planet Earth" has a segment specifically about the Sea Otter and its unique role in the Kelp forest Habitat. I also frequently get requests specifically for footage of California Sea Otters to be used in Nature Documentaries.

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.)

Start date: Aug 19, 2024 End Date: December 20, 2025

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).

Filming will take place primarily (but not exclusively) in the September, October, November months of 2024 and 2025. I anticipate about 50 days of filming total. Filming above water from Boat will most likely happen for about a week at a time when calm sunny weather is forecast (September, October most likely). Underwater filming will likely take place a day or two at a time when water is clear and waves fairly calm. (September through November usually good times).

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.

I am presently being asked to provide footage to the documentary series ***Extreme Planet Earth*** which is a series focused on Environmental awareness stories (produced by Plimsol Productions). Plimsol has also applied for a Sea Otter filming permit (with me as a primary cameraman). Any days I am able to film on my own permit will directly reduce the number of days Plimsol will need to film Sea Otters.

I am requesting my own permit for this production, because the level of protocol required by Plimsol (especially for underwater filming) will make it extremely difficult to make any last minute plans to take advantage of clear water and weather conditions.

**Also any footage I film under my own permit for Extreme Planet Earth, will also be available to future productions.** I believe this will help reduce some future need to film Sea Otters. I am often asked specifically for stock footage of Sea Otters. My collection is limited, because I'm always filming under another companies permit. That footage is typically not accessible to other productions because competing companies will not sell footage to each other. My footage will be available and distributed to future productions by Stock Footage agencies such as "Nature Footage".

Plimsol is aware that I am asking for my own permit, and fully supports me owning the footage.. They realize that their protocols for planning ahead would make filming far less effective. Plimsol would prefer the best possible footage for their program. Producer Rob Morgan for Plimsoll Productions can be Contacted at +44 7752 383398 [rob.morgan@plimsollproductions.com](mailto:rob.morgan@plimsollproductions.com)

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

Footage will be used in the documentary series *Extreme Planet Earth* (Plimsol Productions). And will be made available to future documentaries through stock footage agencies such as "Nature Footage".

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

Yes. We will be filming dependent pups with mums and some of them will likely be lactating females. Extreme care will be taken around these pairs.

a. The minimum age (or mass) of the dependent calf/pup/cub;

Above water:

If we come across a newborn pup we would like to film it, but only during topside filming with long lens at a distance.

Underwater:

For underwater filming we will be targeting Otters old enough that they are starting to dive underwater.

b. How you will identify individuals of the minimum age (or mass) specified in a. above?

If animals are making dives on their own, we will consider them appropriate to approach to attempt filming feeding behavior. We will not follow animals that are not capable divers/swimmers.

c. Specific procedures you will undertake to avoid harassment that could result in calf/pup/cub abandonment or injury.

If a Otter with pup is present, We will look for any signs of stress (such as Mother looking directly at us, Changing direction of swimming away from us, or picking up pup and grasping it tightly as they do when thinking about swimming away) If any of these behaviors are observed, we will slowly back away, and filming activities will cease. We will wait for 10-15 Minutes to see if the Otters to return to a calm state (releasing pup from grasp, not looking at us). If they do, the crew will try a second approach. If that fails the crew will back off from the individual or group and will not attempt to continue filming them. The type of behaviors we are seeking to film (Feeding, grooming, nursing, resting) are those exhibited by calm comfortable Otters.

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

Most likely 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).

If Non-target Female-pup pairs are present and not our filming target. Any approaches or boat positioning will avoid those sensitive "Non-target" Otters. This will also be the procedure for all resting and rafting Otters.

The crew will be following the main USFWS rules which are as follow: Maintain a safe distance: If a sea otter notices you, you are likely too close and should back away.

- Keep at least 66 ft. away, passing by parallel rather than pointing directly at any animals and moving slowly but steadily past rather than stopping.
- Slow down: Take caution in areas where sea otters are known to be present. Watercraft should slow down around kelp forests, where sea otters often rest but can be difficult to see. When approaching and filming the crew will be looking for signs of ADA (Avoidance, Disturbance, Aggression).

When approaching and filming the crew will be looking for signs of ADA (Avoidance, Disturbance, Aggression):

**Avoidance:**

Changing direction, sudden or prolonged dives, increased swim speed, actively moving away from the boat. Avoid being in between mums and their pups to avoid separation. Avoid being too close when otters are feeding underwater to reduce stress levels and waste of energy. Avoid direct approaches to otters

**Disturbance:**

Changes or disruption to existing behaviours such as ceasing feeding, ceasing resting, ceasing socialising, wasted energy, increased stress, and potentially pup abandonment.

**Aggression:**

Otters approaching boats aggressively.

**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:**

The 3 types of filming involved will be.

1) **Topside filming from land, using telephoto lenses.** This method will be limited to setting up a camera in locations where Otter frequent, and waiting for them to arrive.

2) **Filming from Boat using "GSS" (Gyro Stabilized system), and telephoto lens.** This method will use a gyro stabilized camera, mounted to a boat that is roughly 24 feet long. The camera has lens with a long focal length of 1500mm. This long focal length allows intimate portraits of Otters while maintaining enough distance to avoid stressing the animals. The typical boat approach will involve spotting a target animal and approaching to within about 200 feet to let see how the animal reacts, and give the animal time to get used to our presence. Over the next 10 to 20 minutes the distance will be shortened as long as the animal shows no signs of stress. At any signs of stress we will back away slightly and film from a distance where animal is comfortable). Approach will not be closer than 66 feet, though feeding animals often surface close to the boat if they are not stressed by our presence.

3) **Diving underwater filming underwater.** Diver will enter the water at least 100 feet from any Otters. (Typically 200 feet and more). Divers will use either Scuba or Rebreather equipment. The diver will approach areas where Otters are feeding, or approach areas where Otters frequently feed. The diver will

watch for feeding Otters. This method is often unsuccessful, but if the diver is patient an Otter may feed close enough to film it. If an Otter is seen and is moving as it feeds, the diver will follow in that direction, but the Otters superior speed and mobility will allow it to easily keep it's distance if it desires.

A small amount of underwater filming (Maximum 2 days) will be of Otters resting in the Kelp. This filming will take place on Rebreather (No Bubbles) and will proceed in a way that should not disturb the Otters. Approach will start from 200 plus feet away. Divers will navigate underwater by compass to the Kelp that Otters are resting in. Once near the Otters ,oxygen levels in the rebreather will be maximized so there is no addition of oxygen needed and no bubbles produced. Diver will also adjust air to be negatively buoyant and maintain position by slowly kicking fins. Therefore no bubbles will be produced when ascending toward target animals. Diver will wait patiently for kelp or Otter to move to a position that allows clear view of floating Otters. When filming is completed (or if Otters become aware of divers), divers will descend and navigate underwater to the boat.

For Underwater filming I will usually be on my own in order to be less imposing to any feeding Otters. (Also most people don't want to sit in the water for 4 hours at a time waiting for an Otter to show up. I do have a heated drysuit system that allows this). Also most importantly, I will need to be able to spontaneously go film when the water is clear. Which often only lasts for a day in the Monterey area. Especially underwater, I request that I don't use an observer for this filming because that is often difficult to schedule last minute. Also when I am underwater on a rebreather there mostly isn't much for an observer to do.

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

**i. Type and size of boat/vessel;**

Boats used will be between 5 and 9 Meters. Most likely they will be powered by an outboard engine. Likely an inflatable hull.

**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**

A pole camera will NOT be used. (I don't think a Sea Otter would tolerate one)

All filming will take place with Video Cameras (Though individual still frames can be pulled from the video). The cameras will most likely be RED cameras with 8K resolution and high speed capabilities.

Boat filming will use a "GSS" gyro stabilized camera, mounted to a boat that is roughly 24 feet length. The cameras lens is a long focal length of 1500mm. This long focal length allows intimate portraits of Otters while maintaining enough distance to avoid stressing the animals.

Underwater footage will also be captured using a RED camera in an underwater housing. The lens will be a wide angle lens (as is necessary for underwater, especially in less than perfect visibility). Divers will often need to be within 5 to 10 feet of an Otter to get good footage. Any Otter that is not comfortable should be able to swim away easily. 8K resolution will be used when filming, which will allow zooming in on the Otter in post production editing. This will help keep a little more distance from the Otter, but being close is necessary.

**iii. Mitigation measures you will use to minimize disturbance, including specific measures you will use to avoid separating female-calf/pup/cub pairs.**

If a Otter with pup is present, We will look for any signs of stress (such as Mother looking directly at us, Changing direction of swimming away from us, or picking up pup and grasping it tightly as they do when thinking about swimming away) If any of these behaviors are observed, we will slowly back away and filming activities will cease. We will wait for 10-15 Minutes to see if the Otters return to a calm state (releasing pup from grasp, not looking at us). If they do, the crew will try a second approach. If that fails the crew will back off from the individual or group and will not attempt to continue filming them. The type of behaviors we are seeking to film (Feeding, grooming, nursing, resting) are those exhibited by calm comfortable Otters.

We will never approach closer than 66ft by boat to a sea otter pup or mother. We will never put a boat between mother and pup to avoid disturbance and separation.

When approaching and filming the crew will be looking for signs of ADA (Avoidance, Disturbance, Aggression):

**Avoidance:**

Changing direction, sudden or prolonged dives, increased swim speed, actively moving away from the boat. Avoid being in between mums and their pups to avoid separation. Avoid being too close when otters are feeding underwater to reduce stress levels and waste of energy. Avoid direct approaches to otters

**Disturbance:**

Changes or disruption to existing behaviours such as ceasing feeding, ceasing resting, ceasing socialising, wasted energy, increased stress, and potentially pup abandonment.

**Aggression:**

Otters approaching boats aggressively.

**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**

Two Divers maximum. Most often just one.

**ii. \_\_\_ Divers \_\_\_ Snorkelers;**

**iii. Will divers use rebreathers?**

Yes

**iv. Filming/photography equipment and method (e.g., still or video camera with telephoto lens and size of lens);**

Underwater footage will be captured using a RED camera in an underwater housing. The lens will be a wide angle lens (as is necessary for underwater, especially in less than perfect visibility). I will often need to be within 5 to 10 feet of an Otter to get good footage. Any Otter that is not comfortable should be able to not approach that closely, or swim away easily.

Divers will approach an Otters by getting in the water at least 100 feet from the animal and approaching slowly. If approaching a feeding animal, diver may swim on surface while approaching. If approaching a resting animal, these approaches will always be underwater.

**v. Entry method of diver/snorkeler (i.e., boat or land);**

Divers will most likely enter water from a boat.

**vi. If diver/snorkeler is entering water by boat, what is the minimum approach distance of the boat to the animals?**

Boat will not approach closer than 100 ft when diver enters the water. Typically this distance will be more like 200 feet.

**vii. Will the diver/snorkeler be dropped off downwind of the animals?**

Diver will enter water from whatever direction seems least impactful to the animals (so not necessarily down wind). We will not be attempting to use the boat to sneak up on Otters. Any Stealth approaches would be done on rebreather underwater.

**viii. Mitigation measures you will use to minimize disturbance, including specific measures you will use to avoid separating female-calf/pup/cub pairs.**

We will never approach closer than 66ft by boat to a sea otter pup or mother. We will never put a boat between mother and pup.

When approaching and filming the crew will be looking for signs of ADA (Avoidance, Disturbance, Aggression):

**Avoidance:**

Changing direction, sudden or prolonged dives, increased swim speed, actively moving away from the boat. Avoid being in between mums and their pups to avoid separation. Avoid being too close when otters are feeding under water to reduce stress levels and waste of energy. Avoid direct approaches to otters

**Disturbance:**

Changes or disruption to existing behaviours such as ceasing feeding, ceasing resting, ceasing socialising, wasted energy, increased stress, and potentially pup abandonment.

**Aggression:**

Otters approaching boats aggressively. Behaviours from sharks such as swimming towards crew at high speed, charging including veering off at the last moment, bumping, biting.

If any of these behaviors are observed, filming activities will cease. Once stopped, the crew will back off and wait for 10-15 Minutes for the animals to return to a calm state. If they do, the crew will try a second approach. If that fails the crew will back off from the individual or group and will not attempt to continue filming them.

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

i. Will photographers be behind a blind?

No

ii. Filming/photography equipment and method (e.g., still or video camera with telephoto lens and size of lens).

Video camera with a telephoto lens mounted on a tripod. Lens likely to have 1500mm capability..

iii. Mitigation measures you will use to minimize disturbance, including specific measures you will use to avoid separating female-calf/pup/cub pairs. i

If any Otters are present the camera operator will approach slowly looking for any signs of disturbance and will stop approach if disturbance seen..

**d. Manned Aircraft; provide i-iv, below: No Aircraft or drones will be used**

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)

N/A

iv. Mitigation measures you will use to minimize disturbance, including specific measures you will use to avoid separating female-calf/pup/cub pairs

N/A

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

i. Size, mass, and battery life of UAS.

**No Aircraft or drones will be used**

ii. Will the UAS ever be beyond the line of sight?

N/A

iii. Does the device have an auto-return feature should the device fail?

N/A

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).

N/A

v. Spotter roles (e.g., one spotter monitoring the UAS, another for monitoring the ground control station).

N/A





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.

We would be filming all 3 age classes. Pups 2kg to 15kg. Juveniles 15kg to 20kg. Adults 20kg to 25kg+.

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

50 days

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).

Because we will be avoiding harassing target animals and non-target alike, I imagine the most likely way a non-target animals would be disturbed, is when a feeding or traveling Otter surfaces unexpectedly in our path. I think it would be an unusual day when even as many as 5 animals arrive unexpectedly in a way that they get disturbed. We are always looking around to see what is going on, for the sake of the Otters, and to be aware of potential unique filming opportunities.

17. 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.

California: Harbour seals, California sea lions, Grey whales,

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.

We will not approach within 320ft of other marine mammals or ESA-listed species. If they emerge within 320ft of the vessel we will stop the vessel and hold position until they move away again.

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

**Filming will take place from the Monterey Harbor around into Carmel Bay to the Norther boundary of Point Lobos State reserve. Boat GSS filming may also take place in Elkhorn Slough.**

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.)?

Filming will occur in Monterey Bay National Marine Sanctuary. I would like to film specifically around Hopkins Marine station. I do not anticipate filming during Harbor Seal pupping season. If any filming happens during that season. We will stay out of site of the pupping beaches.

I am coordinating with Kacy Cooper regarding filming in the Marine Sanctuary

Phone: 831-647-1286

kacy.cooper@noaa.gov

**20. Will you be using archival monitoring cameras?**

No

**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?**

Our goal is to film Natural animal behavior, which requires animals to be comfortable, not nervous. All approaches will happen very slowly giving the animal time to acclimate to our presence. If the Animal is not comfortable we will leave it alone and look for a more receptive animal.

If we interrupt animals feeding, breeding, nursing or grooming we would back off slowly until the animal resumes calm behavior. If a second approach results in any disturbance we would cease filming of that animal.

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

I am a local Filmmaker, I have worked extensively with Boat Captain Phil Sammet and Sea Otter researcher Michelle Steadler and others. Both of them are first choices to be involved in this project, but appropriate weather conditions are so important in this filming that substitutes are likely necessary.

**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.**

**ERNIE KOVACS – will be doing both topside and underwater filming.**

**In order to take advantage of good weather conditions it will be difficult to determine in advance which boat or Captain may be assisting him.**

**Contact Information**

Ernest Kovacs Jr  
(831) 521 5056

Camera operator  
erniekovacsfilms@gmail.com  
980 Portola Drive, Monterey, CA 93940

### **Relevant education and training**

University of Vermont – Geology and Environmental Studies BSc - 1989  
University of California Santa Cruz – Marine Biology BSc – 1993

### **Relevant experience**

Ernie Kovacs is an Emmy award winning cinematographer with over 20 years experience filming for science and nature documentaries. During this time, he has worked extensively with Sea Otter and other marine mammal researchers.

### ***Sea Otters***

Ernie has worked closely with the Monterey Bay Aquarium Sea Otter research and rescue programs on two PBS “Nature” programs. “Otter 501” and “Oceans in Glass”. He has also filmed Sea Otters extensively for the Series. “Big Beasts” (Apple TV), “Big Pacific” (PBS, NHNZ), and the upcoming BBC Series “Americas”. Ernie has been trained by Michael Steadler and other members of the MBA program regarding Sea Otter behavior and filming without causing stress. He also worked with Fish and wildlife Dept. filming the capture and tagging of Sea Otters during these projects. On these and other projects Ernie has spent well over 100 days filming Sea Otters both above and below water.

### ***Other Marine Mammals***

Ernie has also spent hundreds of days filming Blue, Humpback, Gray, Orca, Narwhal, and Beluga whales, on boats, underwater, and from the air in locations all around the world. Ernie has filmed under the permits of a host of respected researchers, including John Calambokidis, Nancy Black, Bruce Mate, and Jim Estes, all of whom trained him in how to approach by boat, helicopter, UAS, and diving. Trained how to film without distressing or disturbing Marine Mammals

### ***Mammals***

Most recent work with Whales  
Secrets of the Whales (Emmy winner for best Documentary) - a National Geographic/Disney special. As part of this project, Ernie spent three months throughout 2019, and 2020 filming cetaceans with much of the same equipment that we intend to use for this project, including drones, rebreathers, and Gimbal Stabilized systems. Big Beasts (Apple TV) (Gray Whales)

### **Certifications & Qualifications**

#### **Scuba diving qualifications / training**

Ernie trained as a scientific research diver as part of his studies in marine biology. NAUI Santa Cruz Scientific Research Diver (1993)

NAUI Advanced Diver (1993)

TDI Nitrox Diver (1996)

CCR Closed circuit rebreather diver (2007) trained by Peter Den Haan TDI

Submatix CCR 100 SMS diver (2013) trained by Rodolphe Holler

GSS/Cineflex Qualifications.

Ernie has filmed Sea Otters and other Marine Mammals from boats using Stabilized Gyro Systems such as GSS and Cineflex. During this filming he has been trained by Sea Otter Scientist/Observers (such as Michelle Steadler) on filming Sea Otters without causing stress.

24. Provide the names of any advisors, researchers, or guides with expertise on the behaviour of the target species, who will accompany you in the field.

**For filming while diving, I'm hoping to operate alone to allow me to film when conditions are good. Underwater conditions change VERY quickly around Monterey so last minute planning is essential.**

**For filming from boat, I have often worked with Captain Phil Sammet. Though his travel and work schedules may make using him for "last minute" filming plans difficult.**