



The Department recommends that you contact the Department of Conservation permissions office listed below to discuss your application prior to completing the application forms.

This form is to be used when applying for a new permit or the renewal of an existing permit, and where the proposed activity involves viewing marine mammals from a vessel at sea. Examples may include viewing from kayaks, scenic tours which include marine mammal watching, or specific targeted marine mammal viewing trips. This form is to be completed in conjunction with Applicant Information Form 8.

Note:

- If your application also involves marine mammal viewing which is land-based please also fill in Form 8b.
- If your application also involves marine mammal viewing which is aircraft-based please also fill in Form 8c.
- If your application also involves swimming with marine mammals please also fill in Form 8e.
- If you seek a minor amendment to a current permit (i.e. a new boat or new staff member), please fill in the application Form 8f. If you seek an amendment that is more than minor, please contact the office below.

Please complete this application form, providing all information requested in as much detail as possible. Attach **Form 8** and any other applicable forms and information, and send to permissions@doc.govt.nz.

Note:

- Under regulation 10 of the Marine Mammals Protection Regulations 1992, the Department must determine whether or not the application is acceptable and may require the application to be amended. The Department will advise applicants if, and what, amendments are required before this application can be processed by the Department.
- If the application is approved, it is deemed to form part of the permit which is issued and must be complied with accordingly. Your application, therefore, must be clear, complete and accurate.

The Department will process the application and issue a permit if it is satisfied that the application meets all the requirements for granting a permit under the Marine Mammals Protection Regulations 1992.

A. Applicant name (as per Form 8)

B. Proposed operation

Viewing

Species

Specify the marine mammals you propose to encounter:

Viewing:

- ✓ all species of whales (including orca and pilot whales)*
- ✓ all species of dolphins (excluding orca and pilot whales)*
- ✓ all species of seals*

Swimming:

- ✓ all species of dolphins (excluding Hector's dolphins, orca and pilot whales)
- ✓ NZ fur seal

Location information (refer to Appendix 1 for detailed guidance)

Base of operation:

Picton

Departure location (if different to base of operations):

Proposed area of operation:

Northern Boundary; Aligator Head; 40.58,046 South 174.9,340 East

Southern Boundary, Clarence River; 42.10.121 South 173.56.376 East

Specific locations where contact with marine mammals is proposed:

Queen Charlotte Sound

Tour route:

See MAP attached. Most of the effort is within QCS and Tory Channel up to Cape Jackson in the north and Rununder Point in the South during Humpback Whale Migration season.

You must attach a map of the proposed area of operation; it must clearly show the boundaries of the area, any specific locations where contact with marine mammals is likely, and expected routes.

Trip details (refer to Appendix 1 for detailed guidance)

Frequency - proposed months of operation:

All year

Frequency - number of trips per annum:

N/A

Frequency - number of trips per day:

October - March: 5 = 1 swim* trip + 4 viewing trips

April – September: 4 = 2 swim* trips + 2 viewing trips

(Swim trips may be converted to viewing trips)

Duration of trips:

Max 8 hours

Maximum number of vessels operating at any one time:

2*

*only one swim vessel per pod

Maximum number of passengers:

30

Maximum number of swimmers in the water at any one time:

18

Maximum total number of swim drops or attempts per trip:

4

Type and number of vessels to be used (refer to Appendix 1 for detailed guidance)

Vessel 1 description:

Vessel name: Delphinus

Make: Wall Edwards

Model: Catamaran

Size: 12.8m

Carrying capacity: 30 + 2

Colour: White

Motive power: 2 x 220hp John Deere

Construction and hull design: glass over ply

Planing hull: Yes	
Noise levels above sea: Exhausted = Quiet	Noise levels below sea: Exhausted = Quiet
Maximum speed:27	Normal cruising speed:20

Vessel 2 description:

Vessel name: Miss Te Rawa	Make: Barnett
Model: Monohull	Size: 9.1m
Carrying capacity: 25 +2	Colour: White
Motive power: 2 x 200hp Honda	Construction and hull design: Alloy
Planing hull: ✓	Displacement hull: <input type="checkbox"/>
Noise levels above sea: Exhausted = Quiet	Noise levels below sea: Exhausted = Quiet
Maximum speed:35	Normal cruising speed: 22

Masters, skippers, guides and other relevant staff (refer to Appendix 1 for detailed guidance)

Please fill in for every staff member who may come into contact with marine mammals throughout the course of the proposed operation.

Full Name: Paul Keating Job Title: Skipper

Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals? No

If “yes”, please provide details:

Relevant experience with marine mammals: 10 Years locally, SMART course

Relevant knowledge of the local area and sea conditions: 30 years locally

Full Name: Andy Endersby Job Title: Skipper

Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals? No

If “yes”, please provide details:

Relevant experience with marine mammals:19 years locally, SMART course

Relevant knowledge of the local area and sea conditions: 35 years

Full Name: Gary Williams Job Title: Skipper

Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals? No

If “yes”, please provide details:

Relevant experience with marine mammals: 4 years, SMART course

Relevant knowledge of the local area and sea conditions:20 years locally

Proposed term

You can apply for up to 10 years. However, in some situations, a permit may be restricted to a shorter term for the purposes of the conservation, protection or management of marine mammals.

3 years

C. Additional information (refer to Appendix 1 for detailed guidance)

Maximum cumulative time for all encounters with marine mammals during trip:

Swimming

1 hour

Viewing

30 minutes

3 hours maximum across all trips per day

Nature of the contact with marine mammals:

Primary purpose

Secondary purpose

Speeds when approaching and viewing marine mammals:

No wake Speed.

Behaviour of vessel and orientation of approach relative to marine mammals:

- See below regulations.
- Generally, approach slowly, stop, or from the approach the rear, do not alter the direction of animals intended path.
- (a)no vessel shall proceed through a pod of dolphins:
 - (b)persons may swim with dolphins and seals but not with juvenile dolphins or a pod of dolphins that includes juvenile dolphins:
 - (c)commercial operators may use an airhorn to call swimmers back to the boat or to the shore:
 - (d)except as provided in paragraph (c), no person shall make any loud or disturbing noise near dolphins or seals:
 - (e)no vessel or aircraft shall approach within 300 metres (1 000 feet) of any pod of dolphins or herd of seals for the purpose of enabling passengers to watch the dolphins or seals, if the number of vessels or aircraft, or both, already positioned to enable passengers to watch that pod or herd is 3 or more:
 - (f)where 2 or more vessels or aircraft approach an unaccompanied dolphin or seal, the masters concerned shall co-ordinate their approach and manoeuvres, and the pilots concerned shall co-ordinate their approach and manoeuvres:
 - (g)a vessel shall approach a dolphin from a direction that is parallel to the dolphin and slightly to the rear of the dolphin.

Position of vessels relative to marine mammals while viewing:

- subject to paragraph (m), the master of any vessel less than 300 metres from any marine mammal shall use his or her best endeavours to move the vessel at a constant slow speed no faster than the slowest marine mammal in the vicinity, or at idle or “no wake” speed:
- (m)vessels departing from the vicinity of any marine mammal shall proceed slowly at idle or “no wake” speed until the vessel is at least 300 metres from the nearest marine mammal, except that, in the case of dolphins, vessels may exceed idle or “no wake” speed in order to outdistance the dolphins but must increase speed gradually, and shall not exceed 10 knots within 300 metres of any dolphin
- where a vessel stops to enable the passengers to watch any marine mammal, the engines shall be either placed in neutral or be switched off within a minute of the vessel stopping
- no sudden or repeated change in the speed or direction of any vessel or aircraft shall be made except in the case of an emergency
- persons shall use their best endeavours to operate vessels, vehicles, and aircraft so as not to disrupt the normal movement or behaviour of any marine mammal:
- (b)contact with any marine mammal shall be abandoned at any stage if it becomes or shows signs of becoming disturbed or alarmed:
- (c)no person shall cause any marine mammal to be separated from a group of marine mammals or cause any members of such a group to be scattered:
- (d)no rubbish or food shall be thrown near or around any marine mammal

Distances to each species:

Seals on Rocks no closer than 20m

no vessel or aircraft shall approach within 300 metres (1 000 feet) of any whale for the purpose of enabling passengers to watch the whale, if the number of vessels or aircraft, or both, already positioned to enable passengers to watch that whale is 3 or more

- no vessel shall approach within 50 metres of a whale, unless authorised by the Director-General:
- (c)if a whale approaches a vessel, the master of the vessel shall, wherever practicable,—
 - (i)manoeuvre the vessel so as to keep out of the path of the whale; and
 - (ii)maintain a minimum distance of 50 metres from the whale
- (g)a vessel shall approach a whale from a direction that is parallel to the whale and slightly to the rear of the whale
- no person or vessel shall approach within 200 metres of any female baleen or sperm whale that is accompanied by a calf or calves:

Distance to the water's edge (for seals or sea lions hauled out on shore):

20m

Behaviour around calves or pups:

Disengage swim operations if calves or pups present

- no person or vessel shall approach within 200 metres of any female baleen or sperm whale that is accompanied by a calf or calves:
- persons may swim with dolphins and seals but not with juvenile dolphins or a pod of dolphins that includes juvenile dolphins

Speed of departure:

(m)vessels departing from the vicinity of any marine mammal shall proceed slowly at idle or “no wake” speed until the vessel is at least 300 metres from the nearest marine mammal, except that, in the case of dolphins, vessels may exceed idle or “no wake” speed in order to outdistance the dolphins but must increase speed gradually, and shall not exceed 10 knots within 300 metres of any dolphin

Behaviour of vessel and departure route relative to marine mammals:

- (m)vessels departing from the vicinity of any marine mammal shall proceed slowly at idle or “no wake” speed until the vessel is at least 300 metres from the nearest marine mammal, except that, in the case of dolphins, vessels may exceed idle or “no wake” speed in order to outdistance the dolphins but must increase speed gradually, and shall not exceed 10 knots within 300 metres of any dolphin

How will swimmers enter the water and view marine mammals?

Ladders provided to cause minimal disturbance, no splashing

Well ahead of the animals to give them the choice

Stay as a group (no Fins) (no weight belt)

Minimum approach distance for swimmers to the water's edge where seals or sea lions are present on shore:

20 Meters

Swimmer behaviour in the water:

No touching allowed, No Fins provided, stay as a Group, no splashing

What actions will be taken should dolphin calves or seal pups be encountered:

Stop interaction and remove swimmers

What other actions you will take to minimise disturbance of the marine mammals:

Ascertain pod composition before beginning interaction.

Move ahead of the group is possible to give Dolphins the choice to engage or not.

D. Educational material (refer to Appendix 1 for detailed guidance)

Dolphin ID cards onboard , Educational information about Dolphins , Seals , Whales .

Commentary by Marine Biologists on marine mammal conservation , sustainable actions and information about Kaitiakitangi. Information about DOC, Project Jonah, WCA.

APPENDIX 1

GUIDANCE INFORMATION FOR FILLING IN THE FORM

Location information

“Base of operation” - specify the port, marina, or launching site where passengers would board the vessel (note: this may not necessarily be the same location where the booking office is located).

“Proposed area of operation” - provide a written description of the general extent of the operation – please specify the boundaries (e.g. key landmarks) and the location as it is generally known; e.g. Pelorus Sound or Otago Harbour.

“Specific locations where contact with marine mammals is proposed” – you need to list any particular sites you will visit where marine mammals are known or expected to be encountered; e.g. seal colony sites and/or specific localities where dolphins are known to occur.

Trip details

Clearly identify where there are seasonal differences in the trip details.

Type and number of vessels to be used

If you have more vessels than the spaces provided please copy the fields and paste to the bottom of the table in the section.

Masters, skippers, guides and other relevant staff

If you have more staff members than the spaces provided please copy the fields and paste to the bottom of the table in the section.

Additional information

Please be specific for each class of marine mammal or for individual species.

Maximum time spent with marine mammals per individual encounter:

“Encounter” means being less than 300 metres from a marine mammal.

Nature of the contact with marine mammals:

“Primary purpose” means the operation’s main focus is to seek out and encounter marine mammals e.g. whale- watching tours and swim-with-dolphin tours.

“Secondary purpose” means that viewing marine mammals is not the operation’s main focus but will still be viewed if encountered; e.g. certain scenic cruises, water taxis.

Educational material

Please briefly describe the educational aspects of the proposed operation and supply any proposed educational material, copies of brochures or information booklets as an attachment (note, these may be returned if requested).