

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)

Waiheke Whale and Dolphin Watch Ltd.

B. Proposed operation

Species

Specify the marine mammals you propose to encounter:

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

Excluding:

Bottlenose dolphins

Or

- the following specified species*

* Please inform yourself as to the current list of moratoria and species or locations of concern prior to making your application.

Location information (refer to Appendix 1 for detailed guidance)

Base of operation:

Waiheke

Departure location (if different to base of operations):

Auckland viaduct wharf, Waiheke

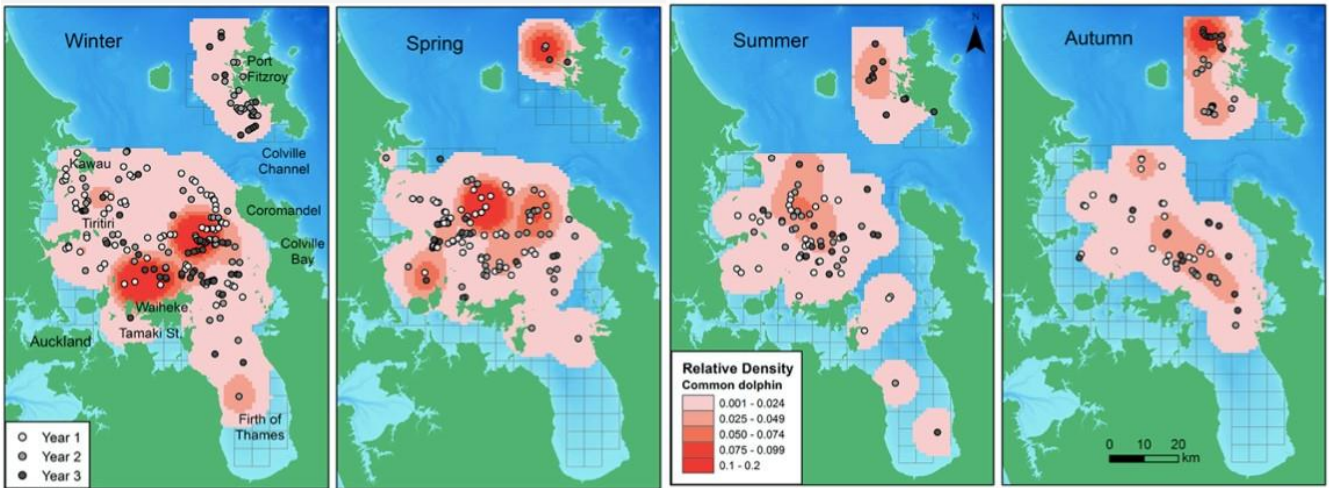
Proposed area of operation:

From Mangawhai in the north LAT -36.117457, LNG: 174.61786 to the top of Port Jackson LAT -36.505261, LNG175.474578

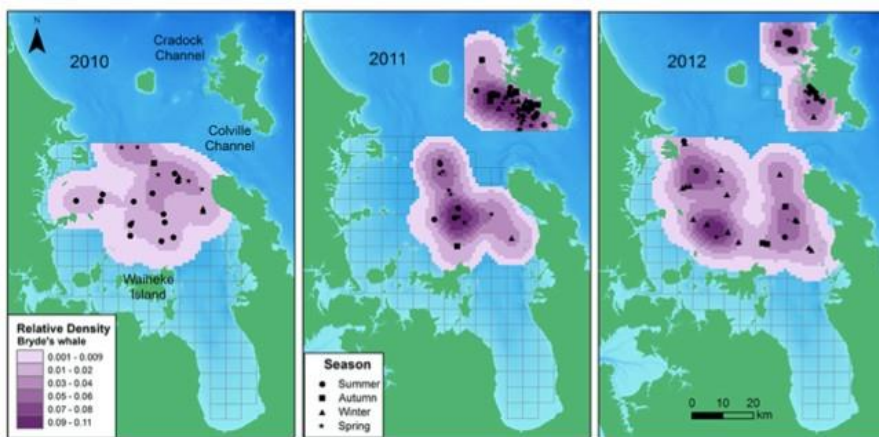
Specific locations where contact with marine mammals is proposed:

The areas identified within the below seasonal maps (labelled figure 1 and 2 respectively) show contact with marine mammals within the Hauraki Gulf Harbour, in particular Common dolphins and Brydes Wales. It is apparent that Common dolphins frequent the inner Hauraki Gulf harbour all year round. Brydes whales appear to also frequent the inner Hauraki Gulf Harbour at the back of the northern side of Waiheke. It is proposed that the main interaction with marine mammals will be with Common dolphins and Brydes whales as these two species frequent our proposed tour route.

Relative Density of Common Dolphins (Figure 1)



Relative Density of Brydes Whales (Figure 2)

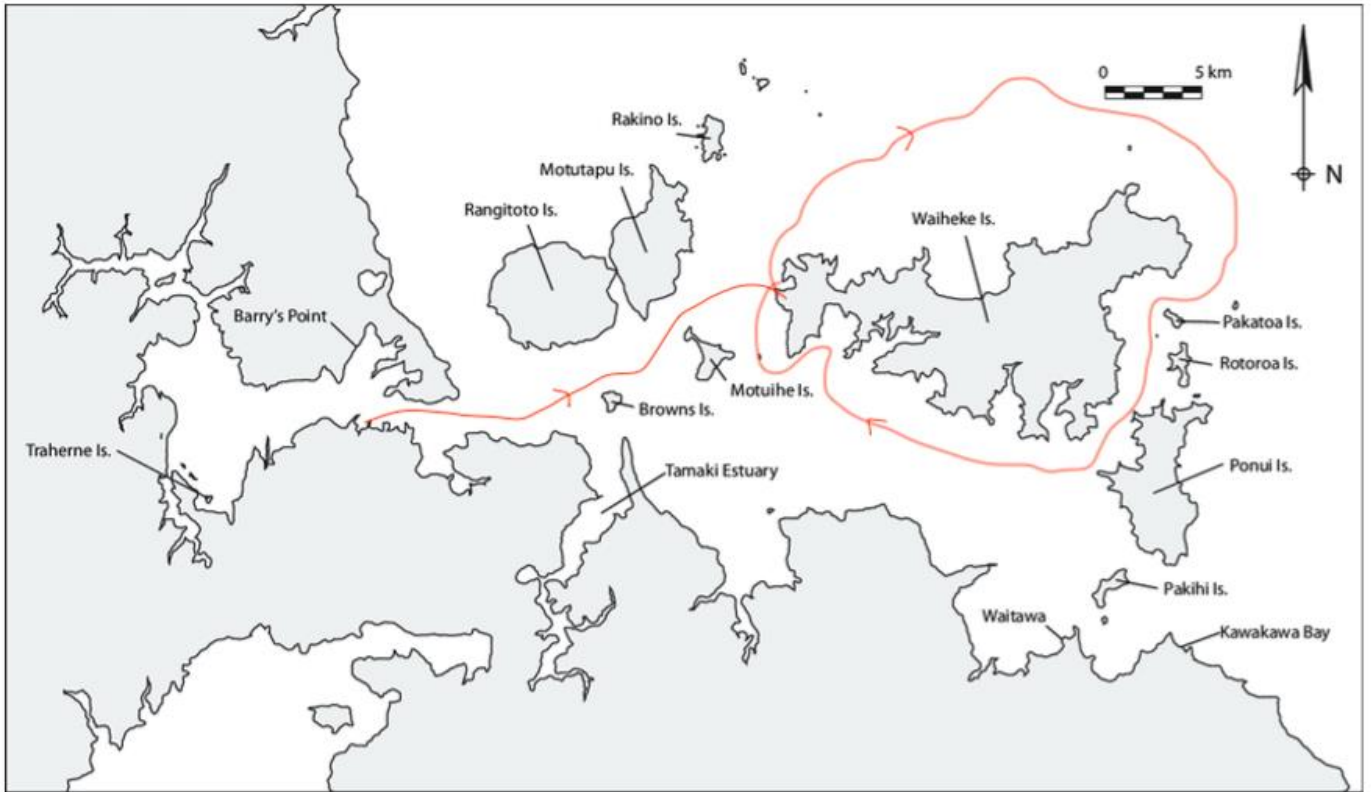


Tour route:

Islands covered in the tour route:

1. Auckland viaduct
2. Waiheke Island (Te Motu no Kahu)
3. Rangitoto Island
4. Motutapu Island
5. Rakino Island
6. Motuihe Island
7. Rotoroa Island
8. Ponui Island
9. Pakihi Island
10. Pakatoa Island

- 11. Tiritirimatangi Island
- 12. Aotea
- 13. Hauturu
- 14. Kawau



Trip details (refer to Appendix 1 for detailed guidance)

Frequency - proposed months of operation:

12 months annually

Frequency - number of trips per annum:

730 trips annually

Frequency - number of trips per day:

2 trips per day

Duration of trips:

4.5 hours

Maximum number of vessels operating at any one time:

1

Maximum number of passengers:

Up to 200 passengers

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

We are currently looking at lease and purchase options.

Discovery 1 is currently on file with the Department of Conservation and is an approved marine mammal watching vessel in the Bay of islands.

Vessel 1 description:

| | |
|--|--|
| Vessel name: Discovery I | Make: Robertson |
| Model: Catamaran | Size: 19m x 8.2m |
| Carrying capacity: 165pax | Colour: Yellow and Black (note this will be changing to white, black, red) |
| Motive power: Caterpillar 3406 522kW x 2 | Construction and hull design: Glass over ply |
| Planing hull: <input type="checkbox"/> | Displacement hull: X |

| | |
|---------------------------------|---------------------------------|
| Noise levels above sea: unknown | Noise levels below sea: unknown |
| Maximum speed: 27knots | Normal cruising speed: 24knots |

Vessel 2 description:

| | |
|---|--|
| Vessel name: Tiger 4 | Make: N.Q.E.A |
| Model: Catamaran | Size: 18m |
| Carrying capacity: 250pax | Colour: White |
| Motive power: Mtu series 2000 788kW x 2 | Construction and hull design: Aluminium |
| Planing hull: <input type="checkbox"/> | Displacement hull: <input checked="" type="checkbox"/> |
| Noise levels above sea: unknown | Noise levels below sea: unknown |
| Maximum speed: 25knots | Normal cruising speed: 20 |

Vessel 3 description:

| | |
|--|---|
| Vessel name: | Make: |
| Model: | Size: |
| Carrying capacity: | Colour: |
| Motive power: | Construction and hull design: |
| Planing hull: <input type="checkbox"/> | Displacement hull: <input type="checkbox"/> |
| Noise levels above sea: | Noise levels below sea: |
| Maximum speed: | Normal cruising speed: |

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: Lawrence Hamilton | Job Title: Masters and guide |
| Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If "yes", please provide details: | |
| Relevant experience with marine mammals: Director and Marine Mammal Licence Holder for Heritage Tours Ltd and Heritage Tours 1999 Ltd 1996 – 2009, Skipper/Crew Heritage Tours, Kings Tours and Cruises and Fullers Great Sights Dolphin & Whale Watch cruises 1996 – present, Member of Dolphin Advisory Committee 1996, Authorised Marine Mammal tour operator (15825-MAR), Authorised Skipper Marine Mammals, Bay of Islands, Attended Project Jonah Whale Stranding Course | |
| Relevant knowledge of the local area and sea conditions: Tutor for Maritime Safety 1995 - 2000 | |

| | |
|--|--|
| Full Name: Vicki Hamilton | Job Title: Deck hand crew and guide |
| Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If "yes", please provide details: N/A | |
| Relevant experience with marine mammals: Work on Heritage tours dolphin watch in the bay of islands as a guide and deck hand for 2 years | |
| Relevant knowledge of the local area and sea conditions: New Zealand Boat Masters certificate, | |

20 years boating experience working as deck hand

Full Name: James Ratahi

Job Title: Cultural guide

Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals?

Yes
 No

If "yes", please provide details:

Relevant experience with marine mammals:

Relevant knowledge of the local area and sea conditions:

James Ratahi is of Ngāti Paoa and Waikato Tainui decent and whakapapa to these Islands and surrounding waters Tikapa moana o Hauraki Te Moananui-a-Toi, Waitemata Harbour. James has strong connections to Waiheke through his hapu of Te Uri Karaka one of the 3 Ngāti Paoa hapu that settled on the island. James regularly travels to Waiheke as part of the NPIT Taiao team building relationships with the community and Waiheke local council he is across all infrastructure developments and familiar with Ngāti Paoa histories, stories, pā sites and wahi tapu on Waiheke and surrounding islands Motuihe, Ponui, Tiritirimātangi etc. James' whanau, kaumātua and kuia are also repositories of this whakapapa and support him and this application.

Full Name:

Job Title:

Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals?

Yes
 No

If "yes", please provide details:

Relevant experience with marine mammals:

Relevant knowledge of the local area and sea conditions:

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.

10 years

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

Maximum time to be spent with marine mammals per individual encounter:

20mins per encounter for whale species and common dolphin species. 10 mins per encounter with seals

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

40 mins maximum cumulative time for all encounters with marine mammals per trip

Nature of the contact with marine mammals:

Primary purpose: Education around the protection and well-being of marine mammals in Aotearoa including the data collection for research purposes available to DOC, Iwi and research bodies.

□ Secondary purpose: Customary relationship between marine mammals and Iwi in the Hauraki Gulf. Including the education and sharing of cultural narratives of the sights of cultural significance to mana whenua/mana moana.

Speeds when approaching and viewing marine mammals:

Less than 5 knots or no wake speed.

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

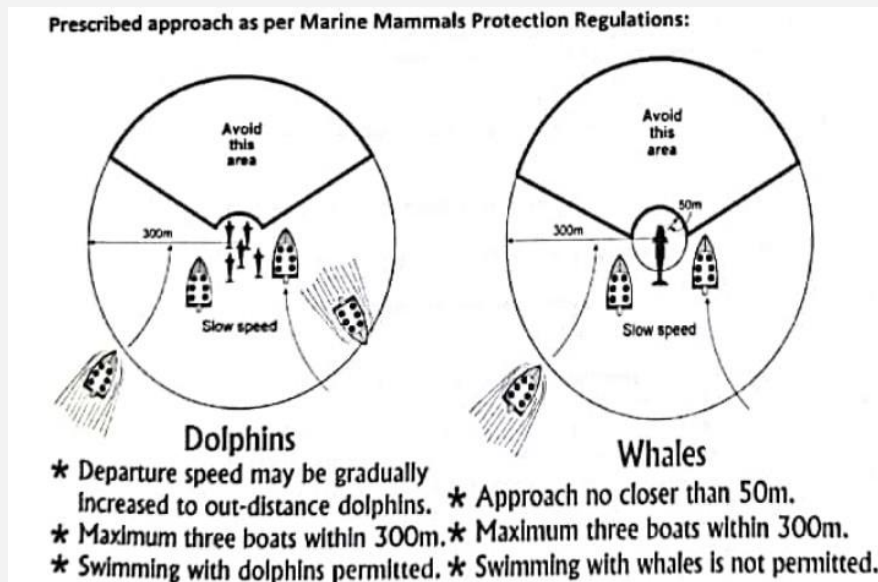


Figure 4: Prescribed approach as per Marine Mammals Protection Regulations

Approach at no wake speed from the rear of the pod of dolphins or whale. No more than 3 vessels within 300 metres of marine mammals at one time. As per figure #4

Position of vessels relative to marine mammals while viewing:

Whales: Vessel alongside and slightly to the rear of the whale so as not to impeded its choice of direction. As per figure #4

Dolphins: Vessel either stops or is at speeds of less than 5 knots or no wake speed so as not to impede the direction of the pod. As per figure #4

Distances to each species:

Whales: Not within 50 metres viewing at all times. As per figure #4

Dolphins: No wake speed in less than 5 knots. As per figure #4

Seals: Not within 50 metres viewing at all times.

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

Not within 50 metres viewing at all times.

Behaviour around calves or pups:

In the instance of calves or pups present, viewing distance is not within 100 metres at all times. Vessel speed to be less than 5 knots or no wake speed so as not to cause any undue stress or interfere with their natural behaviour.

Speed of departure:

Vessel speed to be less than 5 knots or no wake speed upon departure. Departure speed may be gradually increased to outdistance marine mammals.

Behaviour of vessel and departure route relative to marine mammals:

Exit in the opposite direction of the pod or whale or where an exit route can be established, as to avoid any disturbance or changes to the direction of the pod.

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

While encountering marine mammals avoid revving a vessel, avoid sudden increases of speed, avoid sudden reversal of the vessel.

Where applicable, how will groups of kayaks (or similar manually propelled watercraft) be managed in the vicinity of marine mammals?

How kayaks will be positioned relative to each other during approaches and departures:

N/A

How kayaks will be grouped together while viewing:

N/A

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

Public Education:

Factsheets/booklets will be developed and provided to our passengers prior to departure and will include information on marine mammal species that are likely to be encountered during trip. The information provided will bring awareness and highlight threats and issues facing marine mammals around New Zealand's coastline - promoting preservation and protection of these species. These informational sheets draw from research undertaken by marine mammal experts.

An important factor of whale and dolphin watching, and indeed other forms of nature based and eco-tourism is interpretation and education. The idea of educating the public works on the assumption that the more people who know about the behaviour of a species or eco-system, the more likely they are to support measures to conserve it, thus whale and dolphin watching provides an ideal platform for encouraging public pressure for better global marine management.

'Letter of Support for Waiheke Whale and Dolphin Watch Ltd'

Tēnā Koe – (To whom it may concern)

As the mandated representative body and post-settlement governance entity for Ngāti Paoa the Ngati Paoa Iwi Trust fully endorses the marine mammal watching application submitted by the Waiheke Whale and Dolphin Watch Ltd for the following reasons:

- a) It is a mana whenua mana moana based tourism operator, namely Ngāti Paoa
- b) It will operate under the auspice of a Relationship Agreement between DoC and Ngāti Paoa
- c) It will operate from Ngāti Paoa berths at the Kennedy Pt Marina, Waiheke Island.
- d) It will operate within the Ngāti Paoa area of interest in particular the Hauraki Gulf.
- e) It will include Ngāti Paoa land and marine based sites of significance.
- f) It will deliver Ngāti Paoa history, heritage and cultural narratives throughout the Tāmaki cultural land and seascape.
- g) It will advocate for eco-tourism, conservation and education regarding the significance of the Hauraki Gulf marine reserve.
- h) It will collate and record critical data and information regarding the activity and presence of marine mammals within the Hauraki Gulf
- i) It will provide employment and careers paths for Ngati Paoa whanau.
- j) It has the experience, capacity and capability to deliver the points above

Ngāti Paoa has a very strong and proud maritime history. We are a waka and a coastal people. Waiheke Island is one of the spiritual homes of Ngāti Paoa as a people. Hence, the reason why Ngāti Paoa is considered the primary mana whenua for Waiheke Island and other islands throughout the Hauraki Gulf.



Given the above, the application by the Waiheke Whale and Dolphin Watch Ltd is an integral part of the of the strategic direction of Ngāti Paoa regarding our presence and more importantly our aspirations for the Hauraki Gulf and marine environment.