

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 Advisor (Support)

Private Bag 4715

Christchurch Mail Centre

Christchurch 8140

Ph +64 3 371 3700

Email: [permissionschristchurch@doc.govt.nz](mailto:permissionschristchurch@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.

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## A. Applicant name (as per Form 8)

Descend Ltd

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## B. Proposed operation

### Species

Specify the marine mammals you propose to encounter:

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

Excluding:

Or

- the following specified species\*

Generally present in Milford Sound are bottlenose dolphins, common dolphins, dusky dolphins and New Zealand fur seals. Humpback whales occasionally pass by, and very rarely Pilot whales, Sperm whales, Orka visiting the coastline.

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

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## Location information (refer to Appendix 1 for detailed guidance)

Base of operation:

Milford Sound, Deepwater Basin boat ramp

Departure location (if different to base of operations):

Milford Sound, Deepwater Basin Boat ramp

Proposed area of operation:

Fiordland (Yates Point to Bligh Sound)

Specific locations where contact with marine mammals is proposed:

Milford Sound coastal Fiordland, Yates Point to Bligh Sound,  
In Milford Sound sites could include Seal rock and Copper point (only at such times when there are no other cruise boats in the vicinity, as we are not impeding the normal passage of cruise vessels) Please find a list of Milford Sound dive sites attached.

Tour route:

Milford Sound loop or Trip to Bligh Sound

**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.

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## **Trip details** (refer to Appendix 1 for detailed guidance)

Frequency - proposed months of operation:

1 September to 31 May: Up to 4 trips per day split between 2 vessels

1 June – 31 August: One trip per day

Frequency - number of trips per annum:

Daily max only

Frequency - number of trips per day:

Max 4 trips per day

Duration of trips:

Between 4 -6 hours per trip

Maximum number of vessels operating at any one time:

2

Maximum number of passengers:

For vessel Westbay: max of 24 passengers enclosed waters of Milford Sound as per current survey certificate (for every 75 kg of dive equipment, 1 person less will be taken out)

For vessel Pacific Runner, max of 9 passengers

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

### **Vessel 1 description:**

Vessel name: Pacific Runner

Make: Maitland

Model: Powercat

Size: 5.9 metres

Carrying capacity: 9

Colour: white

Motive power: 2 x 150hp Outboards

Construction and hull design: aluminium catamaran

Planing hull: Yes

Displacement hull:  No

Noise levels above sea: 65 – 84 db

Noise levels below sea: below < 65-84db

Maximum speed: 35 knots

Normal cruising speed: 20 knots

### **Vessel 2 description:**

Vessel name: Westbay	Make: Naiad
Model: Aloy Rib	Size: 9m
Carrying capacity: 24	Colour: orange
Motive power: 2 225hp x Mercury Optimax	Construction and hull design:
Planing hull: Yes	Displacement hull: <input type="checkbox"/> No
Noise levels above sea: 72 – 89.5 db	Noise levels below sea: < 72 – 89.5
Maximum speed: 35 knots	Normal cruising speed: 20 knots

## 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: Simone McKirdy Job Title: Director, skipper, dive instructor

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: Been operating as skippers and dive instructors in Milford Sound since 2012. We have been in contact with marine mammals since then through our dive tours, encountering individuals diving. We are familiar with their behaviours and needs and always treat them respectfully. We brief clients on the vessel about their behaviour and explain unique features of individual species. I also hold a Certificate in Environmental Management, being a keen conservationist and we hold strong protective beliefs about protecting the marine environment. Our operation Descend, is a voluntary “no take” operator, and our policy is to not allow any taking of any marine life on our vessels. We are strong advocates for balance and more marine reserves and care for all inhabitants (all marine life including mammals) of the area deeply.

Relevant knowledge of the local area and sea conditions:

We are now in our 6th operating season, so we are very familiar with the local weather and wind conditions.

Full Name: Lance McKirdy Job Title: Director, skipper, dive instructor

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: Been operating as skippers and dive instructors in Milford Sound since 2012. We have been in contact with marine mammals since then through our dive tours, encountering individuals diving. We are familiar with their behaviours and needs and always treat them respectfully. We brief clients on the vessel about their behaviour and explain unique features of individual species. I also hold a Certificate in Environmental Management, being a keen conservationist and we hold strong protective beliefs about protecting the marine environment. Our operation Descend, is a voluntary “no take” operator, and our policy is to not allow any taking of any marine life on our vessels. We are strong advocates for balance and more marine reserves and care for all inhabitants (all marine life including mammals) of the area deeply.

Relevant knowledge of the local area and sea conditions:

We are now in our 6th operating season, so we are very familiar with the local weather and wind conditions.

Full Name: Brendan Little

Job Title: Skipper and Dive Instructor

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:

We are now in our 6th operating season, so we are very familiar with the local weather and wind 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:

Vessel Based viewing: 10 minutes per individual encounter, with 30 minutes cumulative per trip; plus,

Swimming with: 60 minutes max cumulative, consisting of 2 x 30 minute max, or 1 x 60 min max encounter

I.e. when vessel moving, 10 min per encounter, 30 min max cumulative. When vessel stationary, 60 min max individual and cumulative.

So combined, 1.5 hours per trip

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

As above

Nature of the contact with marine mammals:

x Primary purpose – We still focus mainly on dive tours, but want the availability of choosing to swim with seals or dolphins if the timing is right and an encounter offers itself.

x Secondary purpose - Our main purpose are scuba diving tours, where marine mammal encounters are chance encounters.

Speeds when approaching and viewing marine mammals:

Within 300 metres of the mammal speeds will be at idle or "no wake" speed or in case of outdistancing dolphins to get away, a maximum of 10 knots.

When viewing the vessel will be at a constant low speed, no faster than the slowest marine mammal.

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

The approach will be from a direction parallel or slightly to the rear of the mammal.

Position of vessels relative to marine mammals while viewing:

Always be positioned so the mammal does not get disturbed in their path, i.e. viewing will be from a position parallel or slightly to the rear of the mammal.

Distances to each species:

Whales: Minimum distance of 50 metres is kept at all times.

A distance of 200m needs to be kept for any female baleen or sperm whale that is accompanied by a calf or calves.

Dolphins or whales or herd of seals: If there are 3 vessels already watching, then the distance needs to be a minimum of 300 metres.

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

Minimum distance is 5 metres as sometimes seals are resting on rocks close to our dive sites, however we are always a minimum of 5 metres away, but in this instance need to be close to the shoreline for safety reasons.

Behaviour around calves or pups:

Extra care is taken not to disturb seals on land when they have pups. No encounters are initiated if there are seal pups or dolphin calves present.

Speed of departure:

At idle, or no wake speed or a maximum of 10 knots in order to outdistance dolphins

Behaviour of vessel and departure route relative to marine mammals:

parallel or slightly to the rear of the mammals.

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

No feeding and no rubbish in the water, no loud or disturbing noises apart from a diver recall sound, never proceed through a pod, recognize distress or other signs (tailslapping, avoidance) that show the mammals are not interested or disturbed, in which case the encounter will be aborted, use all available means to not disturb the mammals in their path or actions.

All divers/ customers are briefed on behaviour around mammals if they are encountered.

All Staff are educated on proper marine mammal viewing rules and regulations.

**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

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

Due to the small size of the dive group, education is verbal through skipper and dive guides if animals are encountered we speak about their behaviours and explain what species they are.

Also, a list of species possible to encounter is given in pre-dive briefings.

The Fiordland Marine Guardians booklet “Beneath the Reflections” is available on board for viewing and reference.

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## **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.

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#### **Trip details**

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

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#### **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.

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#### **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.

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#### **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.

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#### **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).



## Milford Sound Dive Sites:

Please find below a list of most frequently dived sites in Milford Sound. We choose the sites for the day, depending on weather, ability level and in-water conditions.

### 1. Anita Bay

GPS: 44-34.856S 167-47.326E

### 2. Greenstone Point

GPS: 44-35.560S 167-48.194E

### 3. Greenstone Bay

GPS: 44-36.226S 167-48.661E

### 4. Copper Point

GPS: 44-36.786S 167-51.011E

### 5. Sinbad Gully

GPS: 44-39.239S 167-53.879E

### 6. Harrison Cove

GPS: 44-37.633S 167-54.490E

### 7. Hole in the Wall

GPS: 44-37.109S 167-52.732E

### 8. The Drop-off / Walk the Dog

GPS: 44-36.001S 167-51.228E

### 9. The Chimneys/ Dale Point

GPS: 44-36.001S 167-49.195E

### 10. North Dale Point

GPS: 44-35.272S 167-49.152E

### 11. Penguin Cove

GPS: 44-36.02.77S 167-49.27.89E

### 12. Cray's Crack

### 13. Seal Rock

### 14. The Triangle

### 15. Bligh Sound

Bligh Sound marine reserve/ Clio Rocks