Department of Conservation
Te Papa Atawhai

Application Form 8d
Commercial Operations involving Marine Mammals
Filming only

The Department recommends that you contact the Department of Conservation permissions office listed below to discuss the application prior to completing the application forms. Please provide all information requested in as much detail as possible. The Department will advise you if further information is required before this application can be processed by the Department.

This form is only to be used when the activity you wish to do:

- involves only filming of marine mammals; and
- has the potential to disturb, harass or harm any marine mammal; or
- would contravene any regulation in Part 3 of the Marine Mammals Protection Regulations 1992.

Please complete this application form, attach **Form 8** and any other applicable forms and information and send to permissions@doc.govt.nz.

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 and/or the Marine Mammals Protection Act 1978.

Note: If you intend to film marine mammals as part of a commercial operation for viewing marine mammals (for which you already have a permit) you do not need to apply for a filming permit in addition.

Note: if you intend to take paying passengers with you whilst filming marine mammals you must also complete the applicable forms below:

- If your application also involves marine mammal viewing which is vessel-based please also fill in Form 8a.
- 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.

A. Applicant name (as per Form 8)

BBC NATURAL HISTORY & FACTUAL PRODUCTIONS LTD (NHFP)

Dr Alexander Vail and Bill Morris (will be on location)

B. Proposed Filming Operation (please read Appendix 1)

Please tick the relevant boxes to help determine how the application will be assessed:

x	Vessel to approach closer than 50 metres to a whale
x	Person in the water to approach closer than 100 metres to a whale
x	Vessel or person to approach closer than 200 metres to any female baleen or sperm whale that is accompanied by a calf or calves
☐	Person in the water with juvenile dolphins
☐	Approach (on foot, in the water, or in a vessel) closer than 20 metres to seals or sea lions on shore
☐	Use an aircraft at an altitude below 150 metres (500 feet) above sea level, unless taking off or landing
☐	Use an aircraft closer than 150 metres (500 feet) to a marine mammal horizontally from a point directly above a marine mammal
x	Use a drone or RPA* to film marine mammals
☐	Charter a vessel or aircraft, and/or hire a skipper or pilot to take the film crew to view or come into contact with any marine mammal.

*Note: RPA means a Remotely Piloted Aircraft as defined under Civil Aviation legislation.

Purpose, outputs and benefits of the proposed filming

Please note the purpose of the filming activity (advertisement, movie, documentary etc), and describe in detail the proposed filming activity.

Wildlife Documentary: Seven Worlds

Seven Worlds is a new, ambitious wildlife behaviour series from the NHU for BBC One (7 x 60')

Millions of years ago incredible forces ripped the Earth apart creating seven continents. They were set adrift and, based on their size, shape and position on the globe, seven distinct worlds were born. In each episode we'll venture to a single continent to reveal its unique wildlife and iconic landscapes.

By telling emotional and intimate behaviour stories exclusive to each continent, we'll reveal how it has shaped the animals found there.

We'll be focused on filming new behaviour, new species and new locations, but we will also sound a loud note about conservation. All continents will feature one poignant and relevant sequence about human impact.

New generation drones are quieter, more robust, and can fly further...this will allow us to capture wildlife behaviour never seen before.

And, for the first time, a fleet of drones will be deployed to the outer reaches of our planet to film epic landscapes – both the iconic and the bizarre. Across the frozen wastes of the Antarctic ice shelf, deep inside the boiling blue volcanoes of Asia and through the nearly impenetrable jungles of central Africa.

This will be a journey around our planet like never before

Proposed term

When do you wish to begin and finish all filming?

The hope would be to join the science crew of the vessel "RV Polaris II" with Dr Will Rayment and Prof Steve Dawson of Otago University. The ship will leave from Dunedin on 23rd July until the 24th Aug 2018, but the transit time will be at least 40hrs each way.

Location information

Base of operation:

"RV Polaris II" based in Port Ross,Auckland Islands

Proposed area or areas of operation:

Port Ross, Auckland Islands

Specific locations where contact with marine mammals is proposed:

Port Ross,Auckland Islands, likely close to the Sandy Bay end filming Southern Right Whales

Note: please provide a map showing proposed filming areas and specific locations

Species

Marine mammals you propose to encounter and film:

x all species of whales
x all species of dolphins
x all species of seals

Please specify the species you intend to target at each location

Southern Right Whales

Filming details

Please provide the following additional information where applicable. Please be thorough and include relevant information for each species of marine mammal. In particular, describe how you intend to mitigate any potential adverse effects on marine mammals.

Please list all species separately

When do you propose to undertake filming at each location?
(please be a specific as possible, including dates and times during the day)

Port Ross,Auckland Islands, between the 23rd July until the 24th Aug 2018

Day light, only in locations where the science team are not working – the science research would get priority.

Maximum number of filming days at each location:

28 days

Duration of each daily trip:

8hrs (daylight 8am-5pm), 2x 4hr trips

Maximum cumulative time with marine mammals during a day:

Likely 8hrs

The time sepnt with the whales will vary due to:

- the whales' level of comfort with our presence

- whether the whales are engaging in natural behaviour that is worth filming

- the weather and sea conditions

It is likely our encounters with individual whales or groups of whales will last between several minutes to an hour.

Ultimately, it is the whales that will make the decision about how long we spend with them. We can only film them when they are totally comfortable with our presence. If they are uncomfortable with us being there they will immediately move away and there is no way we can or would follow, as we are only interested in filming natural and relaxed animal behaviour.

How will you approach, film and depart from marine mammals using a vessel?
Please list all species separately

*** We will be working with Dr Will Rayment's team and the crew of the RV Polaris II. One of the crew will be skipper of the 5.5m RIB so this section would come under their permit as it will be under their control but the answers below have been supplied by Dr Rayment**

Speeds when approaching and viewing marine mammals

No wake speeds, i.e. less than 5 knots

Behaviour of vessel and orientation of approach relative to marine mammals

The research team approach from behind or side-on for research purposes, but for filming we would approach so the whale has a clear view of the vessel (though not blocking its route) but to allow it to move away from the vessel if it desires

Position of vessels relative to marine mammals while viewing

Allowing the MM a clear exit and so it is aware of the locaiton of the vessel but the movement of the whales themselves often means that orientation changes relative to the stationary vessel.

Distance from vessel to marine mammals

Ideally between 20 and 200m for research purposes, but whales sometimes approach the vessel

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

N/A

Behaviour around calves or pups

No wake speeds, i.e. less than 5 knots

Speed of departure

No wake speeds, i.e. less than 5 knots

Behaviour of vessel and departure route relative to marine mammals

Away from whales so that we do not cross their direction of travel

What other actions you will take to minimise disturbance?

Minimise time spent with each group. If whales are displaying evasive behaviour we do not attempt to pursue them

How will you undertake underwater filming?
Please list all species separately

Method (pole-cam, diver etc.)

Diver

Approaching marine mammals (vessel and/or land)

Vessel

Distances and filming position relative to each species

In all cases the behaviour of the marine mammal will be used to inform appropriate approach path and distance. Initially approaching to 50m and then standing off until whales' behaviour can be reliably assessed. With engines switched off the team will sit and wait for some time to see if any animals come over to investigate. If whales do come to investigate we will carefully enter the water to film.

Then get in the water if the whales approach the vessel. We will be sure not to interfere with the whale's direction of travel, and exercise particular caution not to come between mother and calf. If none come over to the boat we will enter the water and slowly and quietly approach the whales, either by swimming on the surface or moving underwater using SCUBA apparatus or free-diving equipment. We will approach the whales from the side so they have plenty of opportunity to see and hear us coming and we don't startle them. Our approach to the whales will be slow and cautious, - the aim is to not disturb the whales at all. We want the whales to be totally relaxed in our presence in order to allow natural behaviour to unfold in front of us. We will attempt to get into a good position to film, and then try to remain in a fixed position in relation to the whales, so they always know where we are and we are always positioned at a safe distance from them.

We will mostly working at a distance of around 7 -15 metres from the whales while filming underwater, and we will be careful to try and maintain that distance. In the event that whales move closer to us we will slowly move away. Distances may become close (to within 2m of whale, or closer if the whale initiates this) but only if the animal shows no signs of disturbance and exhibits its natural actives around us. Approaches will be slow to allow us to assess the whale's behaviour and whether we are

having any adverse impact on it. Approaches will allow the whale a clear view of the divers and if the whales move away the divers will not pursue them

How will you approach, film and depart from marine mammals using a drone?
Please list all species separately

Filming over water

We will launch drones from small inflatable boats and from *Polaris II*.

We will approach at a cautious speed of around 5 km/h at a height of around 20m above sea level.

While filming we will position the drones at a heights of between 10-50 m over the whales. We will approach the whales from the side, so they have the opportunity to move away if they wish.

NOTE: Dr Will Rayment stated and Bill Morris noted when working with the science team in 2017, who use drones extensively, that it was observed that drones cause no apparent disturbance to the whales at all - and they in fact appear to be completely oblivious to them.

In order to be doubly sure there is no disturbance to the whales we will ensure to always approach and depart at a reasonable height above sea level and not spend more than 25 minutes over any one whale.

Filming seals or sea lions on land

N/A

Approach speed

5km/hr up to 30km/h (this upper limit was suggeted by Dr Will Rayment, though we will likely use the lower speed)

Height above sea level during transit along the coast or across the sea

20-30m

Height above sea level while filming marine mammals

10-50m

Orientation of approach

Typically side on but due to the whales moving around a lot the orientation could alter

What other actions you will take to minimise disturbance

In order to be doubly sure there is no disturbance to the whales we will ensure to always approach and depart at a reasonable height above sea level while monitoring the whales behavior for signs of disturbance and will try to minimize time spent with any one individual animal aiming to not spend more than 25 minutes over any one whale.

Film Crew

Please fill in for every person that may come into contact with marine mammals throughout the course of the proposed filming. (Copy and paste details for additional crew)

Full Name: Dr Alexander Vail	Job Title: Camera operator
Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals?	☐ Yes x No
If yes please provide details:	
Relevant experience with marine mammals:	
Relevant knowledge of the local area and sea conditions:	

Full Name: William (Bill) Morris	Job Title: Camera Operator
Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals?	☐ Yes x No
If yes please provide details:	
Relevant experience with marine mammals:	
Relevant knowledge of the local area and sea conditions:	

C. Filming from vessels

Maximum number of vessels operating at any one time:

Film Crew will have 1 vessel, there will be another 2 tenders in Port Ross from the RV Polaris II with the science team. The film team will coordinate with the research team to ensure they are working in different areas so not to disturb the whales or impact on the scientific research

Type and number of vessels (Copy and paste details for additional vessels)

Vessel 1 description: 5.3m rigid hulled inflatable

Location(s) of filming: Port Ross, Auckland Islands	
Vessel name: Polaris II tender	Make: NAIAD
Model:5.3	Size: 5.3m
Motive power: 90hp outboard (Suzuki 4-stroke)	Construction and hull design: Inflatable tubes, aluminium hull
Planing hull: Y	Displacement hull: N
Maximum speed: 30 knots	Normal cruising speed: 15-20 knots

Filming with a drone

Maximum number of drones operating at any one time:

1

Type and number of drones (Copy and paste details for additional drones)

The science team have 2x DJI Inspire 1 Pro's as listed on their research permit, we will not operate our drone in the same areas as the scientists' drones.
NOTE: We list 2 drones but the Phantom 4 is only as a backup/redundant drone in case the Inspire 2 does not work

Drone 1 description:

Location(s) of filming: Port Ross, Auckland Islands	
Model: DJI Inspire II	Noise level: in-air 81 dB re 20 µPa; in-water 101 dB re 1 µPa (recorded at 1m depth and 5m altitude). Note that above 10m altitude, the noise of the drone was not detectable above ambient noise

Drone 2 description:

Location(s) of filming: Port Ross	
Model: DJI Phantom 4 Pro (redundant/backup drone – will not be used at the same time as the Inspire only in case of Inspire failure)	Noise level: in-air 81 dB re 20 µPa; in-water 101 dB re 1 µPa (recorded at 1m depth and 5m altitude). Note that above 10m altitude, the noise of the drone was not detectable above ambient noise

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D. Other

Is there any further information you wish to supply in support of your application?

We have been invted to join Dr Will Rayment and Prof Steve Dawson of the University of Otago on the RV Polaris II so we can document the Southern Right Whales while they undertake their research. Their research will take priority over the filming and we will ensure that it does not interfeer with their work or the whales behaviour, but we are keen to sow case a positive conservation effort.