

10 January 2022

Lloyd Jerome

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Tēnā koe Lloyd

Thank you for your Official Information Act request to the Department of Conservation, received on 29 November 2021 in which you asked for:

“Now that a Marine Mammal reserve has been established for Pēwhairangi (Bay of Islands) please, under the OIA, could you provide details of any exemptions or permits to the regulations for commercial organisations?”

Your question has been interpreted as: provide any details of commercial operators¹ which hold a permit under the Marine Mammals Protection Act 1978 (**the Act**) or qualify for an exemption from the restrictions of the newly declared Te Pēwhairangi (Bay of Islands) Marine Mammal Sanctuary (**the Sanctuary**).

Commercial operators holding a permit for the purpose of viewing marine mammals within the boundaries of the Sanctuary qualify for an exemption from some of the Sanctuary restrictions, pursuant to clause 5(5) of the [Sanctuary Gazette notice](#).

Commercial operation permits have been issued under Regulation 12 of the Marine Mammals Protection Regulations 1992. The Act requires the Department to keep a Marine Mammal Permit register and provides that any persons may request details of that register. Those details are listed in Appendix One.

Other exemptions to the restrictions of the Sanctuary are listed in clause 5(4) of the [Sanctuary Gazette notice](#) – this includes 5(4)(e) any person undertaking research permitted under the Marine Mammals Protection Act 1978; and under clause 5(4)(i) any person in charge of, or crew on board of, a vessel; or any person in the water; actively participating in

¹ In the Marine Mammals Protection Regulations 1992, **commercial operation** or **operation** means an operation carried on for any form of hire or reward in which persons are transported, conveyed, conducted, or guided where a purpose is to view or come into contact with any marine mammal in New Zealand or in New Zealand fisheries waters



and registered in an organised event which has the prior approval of the Department of Conservation.

Research permits are granted under section 6 of the Act, in a separate process to commercial operations. Researchers whose permits exempt them from the restrictions of the Sanctuary are listed in Appendix One.

No permits for organised events have been authorised or have the prior approval of the Department of Conservation at the time of this response. The Department is working with event organisers to facilitate the appropriate process for these authorities.

As your request has been interpreted as information regarding permits which are exempt specifically from the restrictions of the Sanctuary in the Sanctuary area, permit information for non-research permits (for holding deceased marine mammal material) and those whose permit area excludes the sanctuary boundaries have not been included. Marine mammal research permits which relate only to deceased marine mammals have also been excluded, as they do not require exemptions to the Sanctuary restrictions.

In making my decision, I have considered the public interest considerations in section 9(1) of the Official Information Act and determined there are no public interests which outweigh the grounds for withholding.

Please note that this letter (with your personal details removed) and enclosed documents may be published on the Department's website.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'N. Ryburn'.

Natasha Ryburn
Director Planning, Permissions and Land
Department of Conservation
Te Papa Atawhai



Appendix One

Permit Holder and Address	Permission Type	Permissi on Number	Summary of Actions authorised	Species	Permit granted	Note
Explore Group Limited PO Box 106267, Auckland, 1143	Mammal Mammal Viewing	78709- MAR	Commercial vessel-based operation to view all marine mammals, and to swim with false killer whales and common dolphins in the Bay of Islands. (View Vessel Discovery V, Swim Vessel Discovery III)	a) Whales Long finned pilot Short finned pilot Minke Humpback Brydes Southern right Blue Orca False killer whale b) Dolphins Common Bottlenose (swimming excluded) c) Seals New Zealand fur seal	1 July 2019- 30 June 2022	Bay of Islands - Taronui Bay to Cape Brett (Less Exclusion Zones)
Explore Group Limited PO Box 106267, Auckland, 1143	Mammal Mammal Viewing	78711- MAR	Commercial vessel-based carriage of passengers to view marine mammals and to swim with common dolphins (Tutunui)	a) Whales Long finned pilot Short finned pilot Minke Humpback Brydes Southern right Blue Orca False killer whale b) Dolphins Common	1 July 2019- 30 June 2022	Bay of Islands - Taronui Bay to Cape Brett (Less Exclusion Zones)



				Bottlenose (swimming excluded) c) Seals New Zealand fur seal		
Explore Group Limited PO Box 106267, Auckland, 1143	Mammal Mammal Viewing	78712 - MAR	Commercial vessel-based carriage of passengers to view marine mammals and to swim with common dolphins (Vessel - Dolphin Seeker)	a) Whales Long finned pilot Short finned pilot Minke Humpback Brydes Southern right Blue Orca False killer whale b) Dolphins Common Bottlenose (swimming excluded) c) Seals New Zealand fur seal	1 July 2019- 30 June 2022	Bay of Islands - Taronui Bay to Cape Brett (Less Exclusion Zones)



<p>Explore Group Limited PO Box 106267, Auckland, 1143</p>	<p>Mammal Mammal Viewing</p>	<p>78713 - MAR</p>	<p>Commercial vessel-based carriage of passengers to view marine mammals and to swim with common dolphins (Vessel - Te Maki)</p>	<p>a) Whales Long finned pilot Short finned pilot Minke Humpback Brydes Southern right Blue Orca False killer whale b) Dolphins Common Bottlenose (swimming excluded) c) Seals New Zealand fur seal</p>	<p>1 July 2019- 30 June 2022</p>	<p>Bay of Islands - Taronui Bay to Cape Brett (Less Exclusion Zones)</p>
<p>Bruce and Vanessa McKay trading as Carino Sailing and Dolphin Adventures PO Box 286, Paihia, 0200</p>	<p>Marine Mammal Permit - Watching</p>	<p>78710- MAR</p>	<p>Commercial vessel-based carriage of passengers to view marine mammals and to swim with bottlenose dolphins (Carino NZ)</p>	<p>a) Whales Long finned pilot Short finned pilot Minke Humpback Brydes Southern right Blue b) Dolphins Orca False killer whale Common Bottlenose c) Seals New Zealand fur seal</p>	<p>01/07/ 2019- 30/06/ 2022</p>	<p>Bay of Islands Territorial Sea (less exclusion areas)</p>



<p>Bruce and Vanessa McKay trading as Carino Sailing and Dolphin Adventures PO Box 286, Paihia, 0200</p>	<p>Marine Mammal Permit - Watching</p>	<p>91420-MAR</p>	<p>Commercial vessel-based viewing and swim with NZ fur seals, from Flat Island to Waiwiri Rock, Bay of Islands (Carino NZ)</p>	<p>Viewing of all NZ seals, and swimming with NZ Fur Seals</p>	<p>01/07/2019-30/06/2022</p>	<p>From Flat Island (173o 51.07'E, 34o 58.03'S) up to and including Waiwiri Rock (174o 20.103'E, 35o 11.50'S) Excluding: Waikere Inlet, Kerikeri Inlet, Te Puna Inlet, Deepwater Cove and the area northeast of Waewaetorea Island</p>
<p>Massey University Private Bag 11 222, Tennent Drive, Palmerston North, 4442</p>	<p>Non Research - Marine Mammal Permit</p>	<p>86142-MAR</p>	<p>Take and hold marine mammals and for that purpose:</p> <ul style="list-style-type: none"> • Attend and assist at oil spill events • Approach a pinniped closer than 20m for the purpose of rehabilitation or euthanasia • To take and hold pinnipeds in situ for rehabilitation purposes • To administer veterinary care as necessary • To take samples for veterinary purposes • To take and transport pinnipeds that are to be rehabilitated ex situ • To take and euthanise pinnipeds that are unable to be rehabilitated 	<p>All species of seals</p>	<p>01/09/2021-31/08/2026</p>	<p>Nationwide excluding the following Department of Conservation Districts:</p> <ul style="list-style-type: none"> • Tauranga and Whakatane (Orokawa Bay – Cape Runaway)



Auckland University of Technology School of Applied Sciences, AUT City Campus, Auckland, 1142	Marine Mammal Research	39635- MAR	Attend and assist at strandings, take and hold samples and entire specimens, receive and hold samples and entire specimens, prepare samples and entire specimens for display purposes, hold samples and entire specimens for display purposes, undertake dissections and necropsies on samples and entire specimens on a range of deceased stranded or trawl caught species.	Extensive range	10/08/ 2015- 09/08/ 2025	Throughout NZ fisheries waters
Krista Hupman Leopard Seal Research Organisation P.O. Box 402043, Tutukaka 0153	Marine Mammal Research	63499 - MAR	Approach live seals no closer than 20m Take deceased seals and for that purpose: <ul style="list-style-type: none">• Take and hold samples and entire specimens• Receive and hold samples and entire specimens• Undertake dissections and necropsies on samples and entire specimens for the purpose of determining life histories Export samples of genetic material to overseas scientific institutions Import samples of genetic material from overseas scientific institutions	Leopard seals	30/10/ 2018 - 29/10/ 2028	Nationwide - excluding East Coast District



Massey University Private Bag 11 222 , Tennent Drive, Palmerston North, 4442	Marine Mammal Research	39239-MAR	Attend and assist at strandings, take and hold samples and entire specimens, receive and hold samples and entire specimens, prepare samples and entire specimens for display purposes, hold samples and entire specimens for display purposes, undertake dissections and necropsies on samples and entire specimens on a range of deceased stranded, by caught or beach cast marine mammals.	Extensive range of marine mammals listed	28/10/2014-27/10/2024	Throughout NZ and within NZ fisheries waters
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<p>Massey University School of Natural & Computational Sciences, Albany, 032</p>	<p>Marine Mammal Research</p>	<p>86298 - MAR</p>	<p>Research on behavioural and physiological indicators of animal welfare during cetacean strandings around the coastline of NZ</p> <p>Take the species listed in Item 3, during a stranding event, for the purpose of:</p> <ul style="list-style-type: none"> • Undertaking physical examinations and health assessments • Collecting length and girth measurements <p>Subset of cetaceans only:</p> <ul style="list-style-type: none"> • Recording alertness; • Collecting heart rate, respiratory rate and BCS data • Ultrasounds <p>Pilot Whales* only:</p> <ul style="list-style-type: none"> • Insert Mini-Transponders <p>*Pilot Whales must be over 3m in length</p>	<p>All species of dolphin and whale</p>	<p>17/03/2021-16/03/2024</p>	<p>Coastal areas of Bay of Islands, Whangarei, Auckland, Coromandel and Stewart Island</p>
<p>Ingrid Visser Leopard Seal Research Organisation P.O. Box 402043, Tutukaka 0153</p>	<p>Marine Mammal Research</p>	<p>63877- MAR</p>	<p>MMPA permit Leopard seals, nationwide - Approaching closer than 20m, taking samples and necropsies of deceased seals import/export samples for analysis</p>	<p>Leopard seals</p>	<p>30/10/2018-29/10/2028</p>	<p>Nationwide (excluding East Coast District)</p>

