



**MARINE MAMMALS PROTECTION REGULATIONS 1992
PERMIT TO CARRY ON A COMMERCIAL OPERATION**

THIS PERMIT is issued this 26th day of April 2013

BACKGROUND

- A. Under regulation 12 of the Marine Mammals Protection Regulations 1992 (“the Regulations”) the Director-General of Conservation (Director-General) may issue permits authorising a commercial operator to carry on any specified commercial operation (“Permit”).
- B. The Permit Holder described in Schedule 1 applied for a Permit (“the Application”).
- C. The Director-General has considered the Application and has determined it is acceptable to him and accordingly issues the Permit

In exercise of the Director-General’s powers under the Regulations the Director-General **ISSUES** to the Permit Holder a **PERMIT TO CARRY ON A COMMERCIAL OPERATION** on the terms and conditions contained in this Permit and its Schedules.

SIGNED on behalf of the Director-General of Conservation by *Chris Jenkins, Conservator, Northland*

acting under delegated authority
in the presence of:

Witness Signature: 

Witness Name: CHRISTINA BEALE

Witness Occupation: ADMINISTRATION SUPERVISOR

Witness Address: 1583, S.H. 1,
NHAKAPARA,

A copy of the Instrument of Delegation may be inspected at the Director-General’s office at 18-22 Manners Street, Wellington.

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SCHEDULE 1

1.	The Permit Holder	Intercity Group (NZ) Ltd trading as Fullers GreatSights Bay of Islands
2.	The Area of Operation (clause 2)	The area of operation is limited to New Zealand fisheries waters within an area bounded to the north by a line from Taronui Bay (173° 59.56'E, 35° 07.12'S) out at 40° Geodetic datum and to the south by a line from south of Cape Brett (174° 20.28'E, 35° 11.22'S) out at 65° Geodetic datum south-west along the coast; excluding Te Puna Inlet in a straight line from Paraenui Point to Tareha Point, to a point south of Aroha Island (grid 2602574, 6666766) in a straight line south-east excluding Kerikeri Inlet to grid 2603164, 6665430, east and southerly along coast to Opuā Wharf, from Opuā Wharf northerly to Papu Point excluding Waikare Inlet, generally north-easterly along coast excluding Motuwaheteke Island, Mairanganui Bay (Deep Water Cove) to Kariparipa Point, continuing easterly to Cape Brett. Also excluding north-eastern area of Waewaetorea Island (from grid 2621476, 6666428 to 2623113, 6665613); all as delineated on the map attached in Schedule 3
3.	Base of operation	Paihia
4.	Species	Whales, dolphins and seals
5.	The Authorised Activity (clause 2)	Carry on the commercial vessel based carriage of passengers to view whales, dolphins and seals, and to swim with dolphins
6.	Maximum number of Trips per annum	365 (common years) or 366 (leap years) days x 1 vessel x 2 trips per day
7.	Maximum Number of Trips per day (clause 2)	2
8.	Maximum duration of trips	4 hours, between 1. 9.00am – 1.00pm 2. 1.30pm – 5.30pm
9.	Maximum duration of contact with any marine mammal or group of marine mammals	Contact with marine mammals is limited to a maximum of 90 minutes per trip including a maximum of 50 minutes per trip with bottlenose dolphins, unless the group of dolphins includes calves and/or juveniles. In this case the contact period is limited to a maximum of 30 minutes per trip No contact or interaction with cetacean species between 11.30am and 1.00pm
10.	Maximum Number of Vessels to be used at any one time (clause 2)	1
11.	Description of Vessels used to convey passengers	1. Dolphin Seeker (23.38 metre power-driven catamaran, MNZ Registration Number 129343) or 2. Tangaroa III (19.3 metre jet propulsion catamaran,

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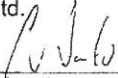
	(clause 2)	<p>MNZ Registration Number 126290) for unforeseen breakdown and scheduled maintenance purposes only</p> <p>Tangaroa III may be used for a period of 42 days each calendar year when the vessel Dolphin Seeker is off the water for scheduled maintenance. The Department must be advised of this period in advance each year.</p> <p>In the event of an unforeseen breakdown of the vessel Dolphin Seeker the vessel Tangaroa III may be used for a maximum of five periods of ten days per calendar year. The Permit Holder must inform the Department at the earliest opportunity if the vessel Tangaroa III is to be used.</p>
12.	Maximum number of passengers	Dolphin Seeker – 230 Tangaroa III – 165
13.	Maximum number of swimmers	18 per swim drop or attempt
14.	Maximum number of swim drops or swim attempts	3
15.	Names of Masters (clause 2)	<p>Phillip John Alexander Robert Blakely Berend – Jan Bogaers Richard Mark Cross Lawrence Hamilton Tainahine Jameson Warren James Johnstone Aaron Jon William Kerr Miles Patrick Morgan Grace Ann Murphy Taira Peters Peter Raymond Sadgrove Bronwyn Angela Skyrme Basil Edward Umuroa</p>
16.	Term (clause 3)	The period commencing from and including 1 January 2012 and ending on and including 30 June 2016
17.	Addresses for Notices (clause 7)	<p>The Permit Holder's address in New Zealand is: Maritime Building Marsden Road Paihia Phone: 09 4027422 Fax: 09 4027158 Email: charlesp@intercity.co.nz</p>

Note: The clause references are to the clauses set out in **Schedule 4**.

SCHEDULE 2 A
SPECIAL CONDITIONS

Department of Conservation
Kerikeri
15 JAN 2013
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I, **Charles Parker** hereby confirm that the permit conditions (1-10) listed below, are included in the plan of operation pertaining to the renewal of permit PER/01/69/01 issued to Intercity Group (NZ) Ltd.

 13/02/13

(signed) (Date)

- 1. The permittee and master of the vessel *must* ensure that the vessels do not make contact or interact with cetacean species under the authority of this permit between the hours of 11.30am and 1.00pm daily.
- 2. The permittee and masters of the vessel must ensure that contact with bottlenose dolphins is limited to a maximum of 50 minutes per trip, unless the group of dolphins includes calves and/or juveniles. In this case the contact period is limited to a maximum of 30 minutes per trip.
- 3. The permittee and master of the vessel must make no more than three (3) swim attempts per trip to put swimmers in the water within 300 metres of any dolphin, or pod of dolphins.
- 4. The permittee and master of the vessel *must* ensure that there are no more than eighteen (18) swimmers per swim attempt. The term "swimmer" includes any person who has entered the water from the vessel, whether or not this is on a rope, sling, net or similar device.
- 5. The permittee and master of the vessel must ensure that swimmers are placed in the water using the 'line abreast' swimmer placement method as per the description in this permit². If the dolphins approach the vessel during a swim placement attempt the master must ensure that there is a minimum distance of 15 metres between the closest dolphin and any part of the vessel when swimmers are placed in the water.
- 6. The permittee and master of the vessel must ensure the relevant vessel and swimmers do not come closer than 60 metres to the water shoreline when bottlenose dolphins are closer than 60 metres from the water shoreline. When dolphins are in an area where the distance between two shorelines is closer than 120 metres the master must attempt to maintain a minimum distance of 60 metres between the vessel and the dolphins without unduly disturbing the dolphins.
- 7. The permittee and master of the vessel must ensure that no reversing of the relevant vessel/s occurs within 15metres of any cetaceans unless a reversing manoeuvre is necessary for:

² swimmers are placed parallel to and slightly ahead of the dolphin's path of travel

Bay of Islands Area Office PO Box 128, Kerikeri 0245 34 Landing Road, Kerikeri 0230
Ph: 09-407 0300 Fax: 09-4077938 DOCDM - 1125430

- (i) Safety reasons, or
- (ii) Retrieval of swimmers from the water.

8. The permittee and master of the vessel must ensure that the relevant vessel/ does not approach the same group of bottlenose dolphins during a trip once contact has been broken after one or two swim attempts.

9. The permittee must ^{knowingly} maintain a register to the satisfaction of the Conservator detailing *inter alia* the time, date, duration and location of:

- (i) all trips carried out under the authority of this permit. The permittee must record the location of interactions with cetaceans using GPS in WGS 84 datum / projection and record position to three (3) decimal minutes;
- (ii) all boom netting attempts carried out with dolphins under the authority of this permit;

but the Conservator must not make requests to view the register with unreasonable frequency.

10. (a) The permittee must:

- (i) provide, if and when requested, reports to the satisfaction of the Conservator, on the distribution, abundance, and behaviour of marine mammals in the area of operation under the authority of this permit;
- (ii) record the location of interactions with cetaceans using GPS in WGS 84 datum / projection and record position to three (3) decimal minutes.

(b) The Conservator must not make requests under this condition with unreasonable frequency and the nature of the requests must be reasonable in their scope.

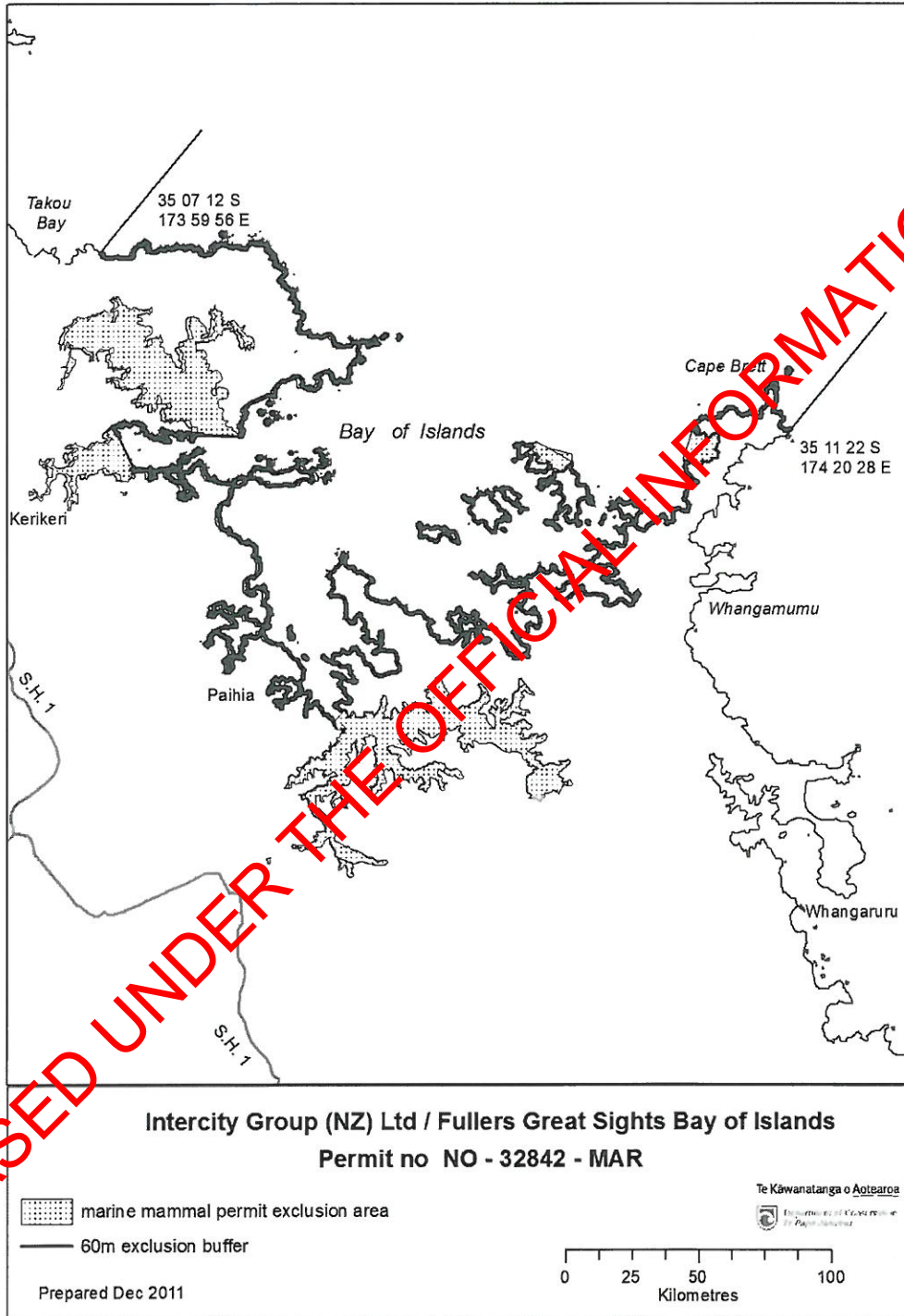
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SCHEDULE 2 B
SPECIAL CONDITIONS

1. This permit replaces the permit issued to Intercity Group (NZ) Ltd, dated 30 April 2009 and numbered PER/01/69/01, which is hereby revoked and must be returned to the Conservator, Northland Conservancy (called "the Conservator").

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SCHEDULE 3
AREA OF OPERATION



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SCHEDULE 4

1. Interpretation

- 1.1 The Permit Holder is responsible for the acts and omissions of its employees, contractors, agents, clients and invitees. The Permit Holder is liable under this Permit for any breach of the terms of the Permit by its employees, contractors, agents, clients and invitees, as if the breach had been committed by the Permit Holder.

2. What is being permitted?

- 2.1 The Permit Holder is only allowed to carry out the Authorised Activity in the Area of Operation as specified in Items 2 and 5 in Schedule 1 and must comply with the Special Conditions as set out in Schedule 2, the Application as set out in Schedule 5 and comply with the relevant provisions applying to the Authorised Activity in Part 3 of the Regulations as set out in Schedule 6.
- 2.2 In carrying out the Authorised Activity the Permit Holder must not exceed the maximum number of trips per annum and per day nor the maximum number of vessels that can be used at any one time as specified in Items 6, 7 and 10 of Schedule 1.
- 2.3 In carrying out the Authorised Activity the Permit Holder must only use the Vessels specified in Item 11 of Schedule 1 and only those persons specified in Item 15 of Schedule 1 may be the Master of such vessels.

3. What is the Duration of the Permit?

- 3.1 This Permit commences and ends on the dates specified in Item 16 of Schedule 1. The Director-General may renew the Permit from time to time.

4. What are the fees and when are they to be paid?

- 4.1 During the term the Permit Holder must pay to the Director-General a monthly cost recovery charge (outlined below) plus GST, which the Director-General is to set, based on the costs associated with administration, research and impact monitoring of the Authorised Activity.

Financial Year	2012/2013	2013/2014	2014/2015	2015/2016
Monthly Fee Excluding GST				

- 4.2 The Permit Holder must pay the fee within one month of being given notice in writing of the fee.

5. When may the Permit be transferred?

- 5.1 The Permit Holder must not transfer the Permit to any person without first obtaining the consent in writing of the Director-General.
- 5.2 The Director-General may-

- (a) Refuse to consent to the transfer of a permit; or
- (b) Consent to the transfer of a permit either with or without conditions.

5.3 Where the Permit Holder is a body corporate, the transfer of control of the management of the Permit Holder in whole or in part to another person is to be deemed to be a transfer of the Permit.

5.4 In considering whether or not to consent to a transfer of the Permit the Director-General must have regard to the applicable matters contained in regulations 6 to 9 of the Regulations.

6. When can the Permit be suspended, revoked, restricted or amended?

6.1 The Director-General may at any time suspend, revoke, restrict or amend the Permit pursuant to regulation 13 of the Regulations.

7. How are notices sent and when are they received?

7.1 Any notice to be given under this Permit is to be in writing and made by personal delivery, fax, by pre paid post or email to the Permit Holder at the address, fax number or email address specified in Item 17 of Schedule 1. Any such notice is to be deemed to have been received:

- (a) in the case of personal delivery, on the date of delivery;
- (b) in the case of fax, on the date of dispatch;
- (c) in the case of post, on the 3rd working day after posting;
- (d) in the case of email, on the date receipt of the email is acknowledged by the addressee by return email or otherwise in writing.

7.2 If the details set out in Item 17 of Schedule 1 change then the Permit Holder must within 5 working days of such change provide the Director-General with the changed details.

8. Some General Matters

8.1 The Permit Holder must ensure that any Vessel authorised under this Permit prominently displays the permit label issued under the regulation 12 (5) of the Regulations.

8.2 The Permit Holder must ensure that any Vessel and Master named in this Permit meet the statutory requirements relating to the licensing and safety of the vessels and the qualifications and licensing of the masters.

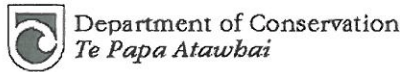
9. Are there any Special Conditions?

9.1 Special conditions are specified in Schedule 2. If there is a conflict between this Schedule 4 and the Special Conditions in Schedule 2, the Special Conditions are to prevail.

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**SCHEDULE 5
THE APPLICATION**



Dept of Conservation
Kerikeri

- 9 NOV 2011

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**APPLICATION TO RENEW A COMMERCIAL MARINE MAMMAL
PERMIT**
Marine Mammals Protection Regulations 1992

NOTE: Applicants are required to cover the reasonable costs of processing their application, pursuant to Sections 60A and 60B of the Conservation Act 1987. A processing fee deposit of \$112.50 (including GST) is payable in advance. The Department will consider your renewal application and supply you with an estimate of total charges that will be incurred to process your application. Application processing fees are not refundable if your application to transfer is unsuccessful.

NOTE: When applying for this renewal you should bear in mind that your application will be assessed under regulation 6 of the Marine Mammals Protection Regulations 1992, as set out below. Further information may be sought from you for this assessment if this application is not completed fully as required.

Criteria for issuing permits-Before issuing a permit, the Director-General shall be satisfied that there is a substantial compliance with the following criteria:

- (a) That the commercial operation should not be contrary to the purposes and provisions of the Act:
- (b) That the commercial operation should not be contrary to the purposes and provisions of the general policy statements approved under section 3B of the Act, conservation management strategies approved under section 3C of the Act, or conservation management plans approved under section 3D of the Act:
- (c) That the commercial operation should not have any significant adverse effect on the behavioural patterns of the marine mammals to which the application refers, having regard to, among other things, the number and effect of existing operations:
- (d) That it should be in the interests of the conservation, management, or protection of the marine mammals that a permit be issued.
- (e) That the proposed operator, and such of the operator's staff who may come into contact with marine mammals, should have sufficient experience with marine mammals:
- (f) That the proposed operator, and such of the operator's staff who may come into contact with marine mammals, should have sufficient knowledge of the local area and of sea and weather conditions:
- (g) That the proposed operator, and such of the operator's staff who may come into contact with marine mammals, should not have convictions for offences involving the mistreatment of animals:
- (h) That the commercial operation should have sufficient educational value to participants or to the public.

NOTE: All information provided in this application will be used in a public submission process and will therefore be made available for public viewing.

NOTE: All aircraft and vessels, and their pilots and masters, must meet the statutory requirements relating to licensing and qualifications, as the case may require.

PLEASE attach any supporting documents and further pages if space is not adequate for the details required.

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1. a) Name (Company, Partnership or Individual - Trading name is not acceptable):
InterCity Group (NZ) Ltd

b) Address
Upstairs Maritime Building, Marsden Road, Paihia 0200

c) Postal Address (if different from above)
P O Box 145
Paihia 0247

d) Telephone - Business: 09 4027422 Private:
Fax : 09 4027158 Mobile:

e) Email Address: Charlesp@intercity.co.nz

f) Website (if applicable): www.dolphincruises.co.nz

2. Species of all marine mammals with which the operation will have contact with:
Whales, dolphins and seals.

3. Method of transport: Boat

BOAT:

AIRCRAFT:

OTHER (specify):

Details of proposed operation

4. If transport is to be by boat, specify:

(a) Total number of boats 2

(b) Maximum number of boats operating at any one time: 1

(c) Description of boat(s): size, make, model, construction, motive power, carrying capacity:

Boat 1:

Existing Permit PER/01/69/01 Dolphin Seeker 23.4 metre power-driven catamaran.

Built by Q West Aluminium Construction. Surveyed for 230 passengers

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Boat 2:

Tangaroa III 19.3m jet propulsion catamaran with 2 Turbo Diesel engines capable of carrying up to 165 passengers.

Boat 3:

(d) Details of all masters to be engaged in the commercial operation:

Surnames	Given names (required in full)
Alexander	Phillip John
Bogaers	Berend
Blakely	Robert
Cross	Richard
Hamilton	Lawrence
Jameson	Tamahine
Johnstone	Warren
Kerr	Aaron
Murphy	Grace
Peters	Taira
Sadgrove	Pater
Skyrme	Bronwyn
Umuroa	Basil
Morgan	Michael Patrick

(e) Please supply any known information relating to the noise level of each vessel both above and below the sea:

Both main engines and gensets are mounted on flexible rubber mounts to reduce noise and vibration while running. The vessel has wet exhausts which are much quieter than dry.

The engine rooms are fitted with acoustic insulation to keep underwater and structural noise down. The vessel only operates at idle or just above idle when manoeuvring around mammals reducing any noise impact.

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5. If transport is to be by aircraft, specify: N/A

(a) Total number of aircraft:

(b) Maximum number of aircraft operating at any one time:

(c) Type of aircraft (tick):

Fixed wing:

Helicopter:

(d) Make and model of aircraft, and identification number:

Aircraft 1:

Aircraft 2:

Aircraft 3:

Aircraft 4:

(e) Details of all pilots to be engaged in the commercial operation: NOTE: Include the number of the air service certificate or other document under which the aircraft will be operating:

Surnames	Given names (required in full)

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(f) Please supply any known information relating to the noise level of each aircraft both above and below the sea:

6. If application is for a shore-based operation, specify:

(a) Total number of vehicles intended to be used::

(b) Maximum number of vehicles operating at any one time :

(c) Make and model of vehicle, and registration number:

Vehicle 1:

Vehicle 2:

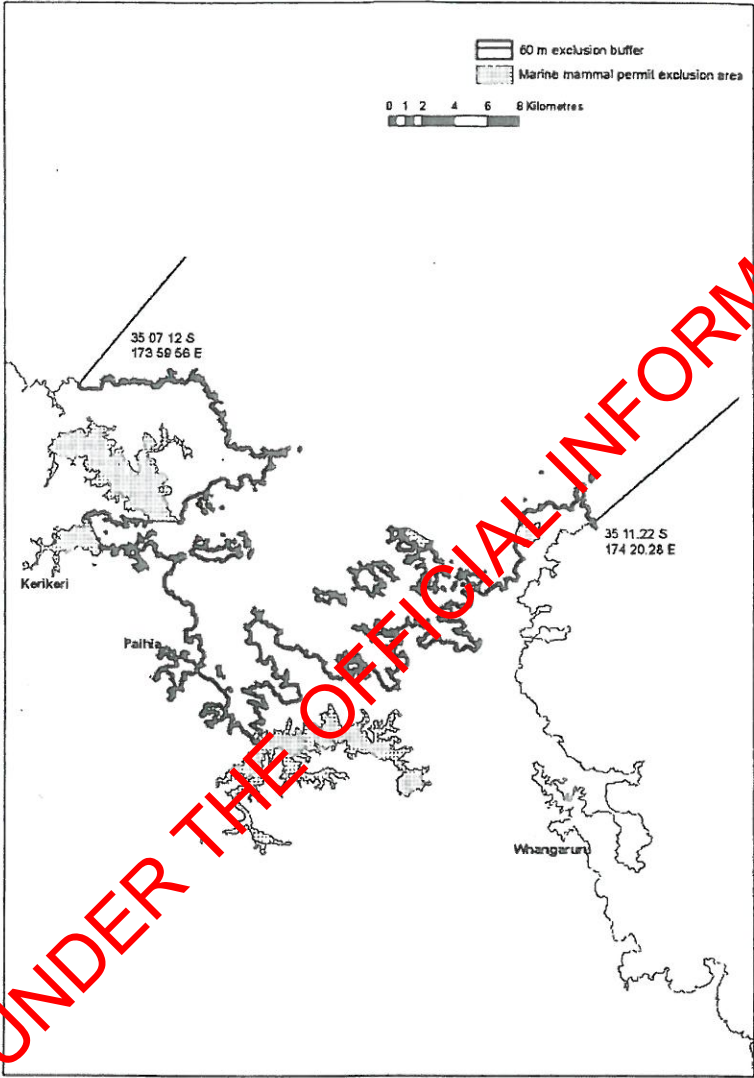
Vehicle 3:

(d) The proposed route of persons to be guided to the colony of marine mammals:

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(e) Details of the guides to be engaged in the commercial operation:

Surnames	Given names (required in full)
Halliday	Joanne
Lorimer	Ross
Tipene	Lara
Williams	Rhonda
McKain	Graeme
Lehmann	Nadia

7. Base of operation:

Paihia - Bay of Islands - Northland

8. Please define the proposed area of operation (a map must be included), and where appropriate, the specific locations where contact with marine mammals is proposed:

The area of operation is limited to New Zealand fisheries waters within an area bounded to the north

by a line from Taronui Bay (173°59.56' E, 35° 07.12' S) out at 40° Geodetic datum and to the south

by a line from south of Cape Brett (174° 20.28' E, 35° 11.22' S) out at 65° Geodetic datum

Southwest along the coast: excluding Te Puna Inlet in a straight line from Paraenui Point to Tareha

Point, to a point south of Aroha Island (grid 2603334,6666766) in straight line southeast excluding

Kerikeri Inlet to grid 2603164, east and southerly along coast to Opuia Wharf, from Opuia Wharf

northerly to Tapu Point excluding Waikare Inlet, generally north easterly along coast excluding

Motuwaheteke Island, Maungatani Bay (Deep Water Cove) to Kariparipa Point, continuing easterly

To Cape Brett. Also excluding north eastern area of Waewaeorea Island (from grid 2621476,

6666428 to 2623113, 6666613); all as delineated on the map attached.

9. (f) Frequency of trips (you must define the number of trips you intend to run in a 24 hour period after 12am midnight. Times should be specified where possible):

2 Trips per day Departing Paihia no earlier than 9:00 AM and 1:30 PM and return

no later than 1:00 PM and 17.30 PM respectively.

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(ii)Duration of trips (should detail total trip duration, and time expected to be spent with marine mammals)

Duration of each trip 4 hours

Contact with Marine Mammals shall be limited to a maximum of 90 minutes per Trip.

A maximum of 50 minutes with Bottle nose Dolphins or 30 minutes if calves or juveniles are present.

The vessel master will ensure no contact or interaction will be made with Cetacean species between the hours of 11:30 AM and 1:00 PM

(iii) Time of year:

All year round

(iv) Maximum number of passengers or persons per trip:

230 passengers

10. Describe in detail your intended operation. This must include information on all aspects of the activity, including the following:

- The nature of contact with marine mammals;
- Whether swimming with marine mammals is intended (and with what species?);
- How contact will be initiated and what the process will be;
- Maximum duration of contact with marine mammals
- A detailed procedure and chronology of the trips

Depart Paihia / Russell 0900/0910 Briefing to all passengers including safety equipment on board, an outline of the trip including type of marine mammals we hope to see and the rules & regulations that we operate the trip under.

The emphasis on this trip is about experiencing what the Bay of Islands has to offer. The commentary is designed to give the passengers a brief insight into the European and Maori history of the area, with many unique stories told about the Islands and the wild life that inhabits the area. The trip is promoted as being able to view dolphins and when conditions permit within the rules and regulations, swim with them.

As part of the media used to promote this product the cruise highlights are, Viewing

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Dolphins and an Island stop over for lunch, visiting Piercy Island & the Hole in the Rock and historic sites with informative commentary.

During the trip if we sight dolphin, typically we slow down well away from the pod then approach very slowly.

We ascertain if the dolphins are interested in interacting with us , if so we enjoy some time with them (up to 50 minutes 30 if calves or juveniles in pod)

During the encounter the crew provide information on the dolphin including their names if known whether male or female how often seen in the bay and if they are known to have calves .Once we leave the pod we generally have time to cruise other parts of the bay sightseeing and have a stopover on the island of Urupukapuka for lunch a swim or walk.

We then return to Russell / Paihia to prepare for our afternoon trip.

The crew fill in a detailed report of the trip witch is available to the Department of Conservation.

Afternoon trip departs at 1330/1340 hrs returning at 1720/1730

11. Are all the details outlined in questions 2-10 above the same as what is permitted under the existing permit (✓)

YES (go to 12):

NO (go to 11b):

- b) If not, please specify those parts of the operation which differ (please note that any significant increase in operation effort, or potential impacts on marine mammals, may require a public notification process):

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12. Please set out the experience with marine mammals of the proposed operator and such of the operator's staff who may come into contact with marine mammals:

InterCity Group (NZ) Ltd have been successfully and responsibly operating dolphin

view/swim trips in the Bay of Islands since 1998 and have since combined company with

Fullers Bay of Islands Limited who have been operating a similar trip since 1993. We have

an excellent reputation for quality safety and service. We maintain our own data base of our

daily "Dolphin Eco Experience" tour, these records include all the information required to be

Given to DOC as per the "Marine Mammal Interaction Form" this information is freely

available to any staff member that may wish to view it. We have a strong base crew many

of whom have been with the company for ten years or more.

Both Skippers and Crew attend regular education and training sessions to keep informed

with current and up to date knowledge.

All tours have experienced skippers and crew on board with new skippers and crew being

trained with "hands on" the job. They are required to meet a minimum level of

knowledge and experience before they are placed in any position where knowledge of

marine mammals is required. This covers all terms and regulations as set out in the Marine

Mammals Protection Regulations 1992 Permit.

Details of crew :-

* Phil Alexander ~ Experienced skipper started with Fullers in November 1996

many years experience operating our dolphin vessel.

* Tammy Jameson ~ start 1997. Designated skipper of our Dolphin Vessel, experienced skipper Holds MEC5 Cert. Well known local resident.

* Bronwyn Skyrme ~ start 1997 Skipper of the dolphin vessel since 2006

Excellent Knowledge of area and marine mammals. Holds MEC5 Cert

* Jo Halliday (Floppy) head dolphin vessel guide, start 1990. Holds adv deckhand Cert.

Floppy is responsible for crew training on the dolphin vessel. Floppy is an active member of

"Whalerescue.com" in Northland, she is extremely knowledgeable on our marine mammal,

marine and birdlife in Northland.

13. Please set out the knowledge of the local area and sea/weather conditions of the proposed operator and such of the operators staff who may come into contact with marine mammals (not applicable to shore-based operations):

InterCity Group (NZ) Limited in conjunction with Fullers Bay of Islands have been

successfully operating in the Bay of Islands since 1887. We therefore have many years of

knowledge and experience both in the local area and with the sea and weather conditions.

We have a passion for the environment and are committed to continual improvement in sustainable business practices that protect and enhance the natural, cultural and economic environment. Northland was the first region in New Zealand to develop a sustainable tourism charter with Intercity Group NZ Limited being a founding signatory. Intercity Group NZ Limited are endorsed with a Qualmark Enviro Gold award.

Many of our skippers and crew have worked for us for many years acquiring a wealth of

knowledge and experience of the local area, sea and weather conditions. All our skippers and crew, hold current and up to date qualifications. Skippers and crew have completed extensive training sessions which include local knowledge and sea and weather conditions. Skippers and Crew are given daily up to date weather reports and any other daily local information beneficial to the day's activity.

14. Please set out details of any convictions of the proposed operator and of those employees of the operator who may come into contact with marine mammals for offences against the Marine Mammals Protection Act 1978 or any other Act involving the mistreatment of animals:

NIL

15. Please supply details or examples of any educational material to be provided, or educational aspects of the proposed operation.

Education is provided through our experienced Skippers and Crew giving a full commentary of all Marine Mammal species which frequent the Bay of Islands. Additional commentary is given daily of any points of interest which may occur during the trip, this includes local history and knowledge, other marine life and bird species which frequent this area.

We have books on board including :-

Whales & Dolphins of NZ and Australia by Alan Baker

Whales Dolphins and Porpoises by Mark Carwardine

Field Guide to New Zealand Seabirds by Brian Parkinson

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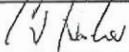
A large N.Z. Whale and Dolphin poster from New Zealand Geographic

Our passengers personal experience while on this vessel and seeing marine mammals in their own natural environment, seeing how carefully we behave with our vessel when near these species and how these species interact with us is one of the main educational aspects of this operation.

16. Name, occupation, address and telephone number of two independent persons who will vouch for the applicant:

- i). JOHN DUXBURY (GENERAL MANAGER)
P.O. Box 352, PAHIKA
(04) 402 7826 (027) 290 1365.
- ii). JOHN ROBSON (MANAGER)
PRIVATE BAG 50246, TEANAU.
(021) 222 1275

Signed:



Name:

C. W. PARKER

Application Date:

07/11/2011

Please post application and processing fee deposit of \$112.50 (including GST) to your nearest Department of Conservation Conservancy Office, addressed to the Conservator

9

STATUTORY DECLARATION

This declaration must accompany the application and is to be signed by the applicant, or in the case of a company, by the Managing Director or Chief Executive. Where the application is being made by a partnership, each and every partner should make and sign the declaration in the form indicated below.

I/We CHARLES WILLIAM PARKER

- (i)
(ii)
(iii)
(iv)
(v)

(Full Name(s))

(i) MARDEN RD, PAHIA GENERAL MANAGER
(ii)
(iii)
(iv)
(v)

(Place) (Occupation)

do [severally] solemnly and sincerely declare that all the information contained in this application form is true and correct, and I [we severally] make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

(i) [Signature] (iv)
(ii) (v)
(iii)

Signature(s) of declarant(s)

Declared at PAHIA this 7th day of NOVEMBER 2011

A Justice of the Peace or A Solicitor of the High Court (for other person authorised to take a statutory declaration) Murray D Jenkin JP - Reg: 99320 Pahia Justice of the Peace for New Zealand

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SCHEDULE 6
PART 3 OF THE REGULATIONS

Part 3
Behaviour around marine mammals

17 Application of this Part

Nothing in regulation 18 or regulation 19 or regulation 20 of these regulations shall apply to persons, vessels, aircraft, or vehicles rendering assistance to stranded or injured marine mammals.

18 Conditions governing commercial operations and behaviour of all persons around any marine mammal

Every commercial operation, and every person coming into contact with any class of marine mammal, shall comply with the following conditions.

- (a) 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:
- (e) 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:
- (f) 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.
- (g) No aircraft engaged in a commercial aircraft operation shall be flown below 150 metres (500 feet) above sea level, unless taking off or landing:
- (h) When operation at an altitude of less than 600 metres (2000 feet) above sea level, no aircraft shall be closer than 150 metres (500 feet) horizontally from a point directly above any marine mammal or such lesser or greater distance as may be approved by the Director-General, by notice in the *Gazette*, from time to time based on the best available scientific evidence:
- (i) No person shall disturb or harass any marine mammal:
- (j) Vehicles must remain above the mean high water spring tide mark and shall not approach within 50 metres of a marine mammal unless in an official carpark or on a public or private slipway or on a public road:

(k) No person, vehicle, or vessel shall cut off the path of a marine mammal or prevent a marine mammal from leaving the vicinity of any person, vehicle, or vessel:

(l) Subject to paragraph (m) of this regulation, 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:

(n) Pilots of aircraft engaged in a commercial aircraft operation shall use their best endeavours to operate the aircraft in such a manner that, without compromising safety, the aircraft's shadow is not imposed directly on any marine mammal.

19 Special conditions applying to whales

In addition to complying with the provisions set out in regulation 18 of these regulations, every commercial operation and every person coming into contact with whales shall also comply with the following conditions:

(a) No person in the water shall be less than 100 metres from a whale, unless authorised by the Director-General:

(b) 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:

(d) No vessel or aircraft shall approach within 300 metres (1000 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:

(e) Where 2 or more vessels or aircraft approach an unaccompanied whale, the masters concerned shall co-ordinate their approach and manoeuvres, and the pilots concerned shall co-ordinate their approach and manoeuvres:

(f) No person or vessel shall approach within 200 metres of any female baleen or sperm whale that is accompanied by a calf or calves:

(g) A vessel shall approach a whale from a direction that is parallel to the whale and slightly to the rear of the whale:

(h) No person shall make any loud or disturbing noise near whales:

(i) Where a sperm whale abruptly changes its orientation or starts to make short dives of between 1 and 5 minutes duration without showing its tail flukes, all persons, vessels, and aircraft shall forthwith abandon contact with the whale.

20 Special conditions applying to dolphins or seals

In addition to complying with the conditions set out in regulation 18 of these regulations, any commercial operation and any person coming into contact with dolphins or seals shall also comply with the following conditions:

(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) of this regulation, no person shall make any loud or disturbing noise near dolphins or seals:

(e) No vessel or aircraft shall approach within 300 metres (1000 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 5 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.

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**MARINE MAMMALS PROTECTION REGULATIONS 1992
PERMIT TO CARRY ON A COMMERCIAL OPERATION**

THIS PERMIT is issued this 26th day of April 2013

BACKGROUND

- A. Under regulation 12 of the Marine Mammals Protection Regulations 1992 (“the Regulations”) the Director-General of Conservation (Director-General) may issue permits authorising a commercial operator to carry on any specified commercial operation (“Permit”).
- B. The Permit Holder described in Schedule 1 applied for a Permit (“the Application”).
- C. The Director-General has considered the Application and has determined it is acceptable to him and accordingly issues the Permit.

In exercise of the Director-General’s powers under the Regulations the Director-General **ISSUES** to the Permit Holder a **PERMIT TO CARRY ON A COMMERCIAL OPERATION** on the terms and conditions contained in this Permit and its Schedules.

SIGNED on behalf of the Director-General of Conservation by *Chris Jenkins, Conservator, Northland*

acting under delegated authority
in the presence of:

Witness Signature: _____
 Witness Name: William Boyle
 Witness Occupation: ADMINISTRATION SUPERVISOR
 Witness Address: 1883, S.H. 1.
WHAKEAPARA.

A copy of the Instrument of Delegation may be inspected at the Director-General’s office at 18-22 Manners Street, Wellington.

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SCHEDULE 1

1.	The Permit Holder	Bruce Alexander, Mary Ann and Vanessa Ann McKay operating under the trade name of Carino Sailing and Dolphin Adventures
2.	The Area of Operation (clause 2)	The area of operation is limited to New Zealand fisheries waters within the Bay of Islands out to the harbour limits, south-west along the coast; excluding Te Puna Inlet in a straight line from Paraenui Point to Tareha Point, to a point south of Aroha Island (grid 2602574, 6666766) in a straight line south-east excluding Kerikeri Inlet to grid 2603164, 6665430, east and southerly along coast to Opua Wharf, from Opua Wharf northerly to Tapu Point excluding Waikare Inlet, generally north-easterly along coast excluding Motuwaheteke Island, Maunganui Bay (Deep Water Cove) to Kariparipa Point, continuing east to Cape Brett. Also excluding north-eastern area of Waiwaeotorea Island (from grid 2621476, 6666428 to 2623113, 6665613); all as delineated on the attached map in Schedule 3
3.	Base of operation	Paihia, Bay of Islands
4.	Species	Whales, dolphins and seals
5.	The Authorised Activity (clause 2)	Carry on the commercial vessel based carriage of passengers to view whales, dolphins and seals, and to swim with dolphins
6.	Maximum number of Trips per annum	365 (common years) or 366 (leap years)
7.	Maximum Number of Trips per day (clause 2)	1
8.	Maximum duration of trips	8 hours, between 8.30am – 4.30pm
9.	Maximum duration of contact with any marine mammal or group of marine mammals	Contact with marine mammals is limited to a maximum of 90 minutes per trip including a maximum of 50 minutes per trip with bottlenose dolphins, unless the group of dolphins includes calves and/or juveniles. In this case the contact period is limited to a maximum of 30 minutes per trip No contact or interaction with cetacean species between 11.30am and 1.00pm
10.	Maximum Number of Vessels to be used at any one time (clause 2)	1
11.	Description of Vessel used to convey passengers (clause 2)	Carino NZ (14.32 metre sailing catamaran, MNZ registration number 102026)
12.	Maximum number of passengers	40

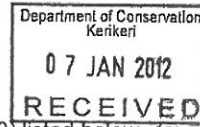
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13.	Maximum number of swimmers	18 per swim drop or attempt
14.	Maximum number of swim drops or swim attempts	3
15.	Names of Masters (clause 2)	Barry Thomas McKay Bruce Alexander McKay Vanessa Ann McKay Phillip Rainbow
16.	Term (clause 3)	The period commencing from and including 1 October 2011 and ending on and including 30 June 2016
17.	Addresses for Notices (clause 7)	The Permit Holder's address in New Zealand is: 67 School Road Paihia 0247 Phone: 09 4028040 or 027 4933872 Fax: 09 4028661 Email: carino@sailingdolphins.co.nz

Note: The clause references are to the clauses set out in **Schedule 4**.

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SCHEDULE 2 A
SPECIAL CONDITIONS



I, **Vanessa McKay**, hereby confirm that the permit conditions (1-10) listed below, are included in the plan of operation pertaining to the renewal of permit PER/01/59/02 issued to Vanessa Ann McKay, Bruce Alexander McKay & Mary Ann McKay.



(signed) _____ (Date) 18/12/12

- 1. The permittee and master of the vessel *must* ensure that the vessel does not make contact or interact with cetacean species under the authority of this permit between the hours of 11.30am and 1.00pm daily.
- 2. The permittee and master of the vessel must ensure that contact with bottlenose dolphins is limited to a maximum of 50 minutes per trip, unless the group of dolphins includes calves and/or juveniles. In this case the contact period is limited to a maximum of 30 minutes per trip.
- 3. The permittee and master of the vessel must make no more than three (3) swim attempts per trip to put swimmers in the water within 300 metres of any dolphin, or pod of dolphins.
- 4. The permittee and master of the vessel *must* ensure that there are no more than eighteen (18) swimmers per swim attempt. The term "swimmer" includes any person who has entered the water from the vessel, whether or not this is on a rope, sling, net or similar device.
- 5. The permittee and masters of the vessels must ensure that swimmers are placed in the water using the 'line abreast' swimmer placement method as per the description in this permit⁶. If the dolphins approach the vessel during a swim placement attempt the master must ensure that there is a minimum distance of 15 metres between the closest dolphin and any part of the vessel when swimmers are placed in the water.
- 6. The permittee and master of the vessel must ensure the relevant vessel and swimmers do not come closer than 60 metres to the water shoreline when bottlenose dolphins are closer than 60 metres from the water shoreline. When dolphins are in an area where the distance between two shorelines is closer than 120 metres the master must attempt to maintain a minimum distance of 60 metres between the vessel and the dolphins without unduly disturbing the dolphins.
- 7. The permittee and master of the vessel must ensure that no reversing of the relevant vessel/s occurs within 15metres of any cetaceans unless a reversing manoeuvre is necessary for:

⁶ swimmers are placed parallel to and slightly ahead of the dolphin's path of travel

Bay of Islands Area Office PO Box 128, Kerikeri 0245 34 Landing Road, Kerikeri 0230
Ph: 09-407 0300 Fax: 09-4077938 DOCDM - 1125430

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- (i) Safety reasons, or
- (ii) Retrieval of swimmers from the water.

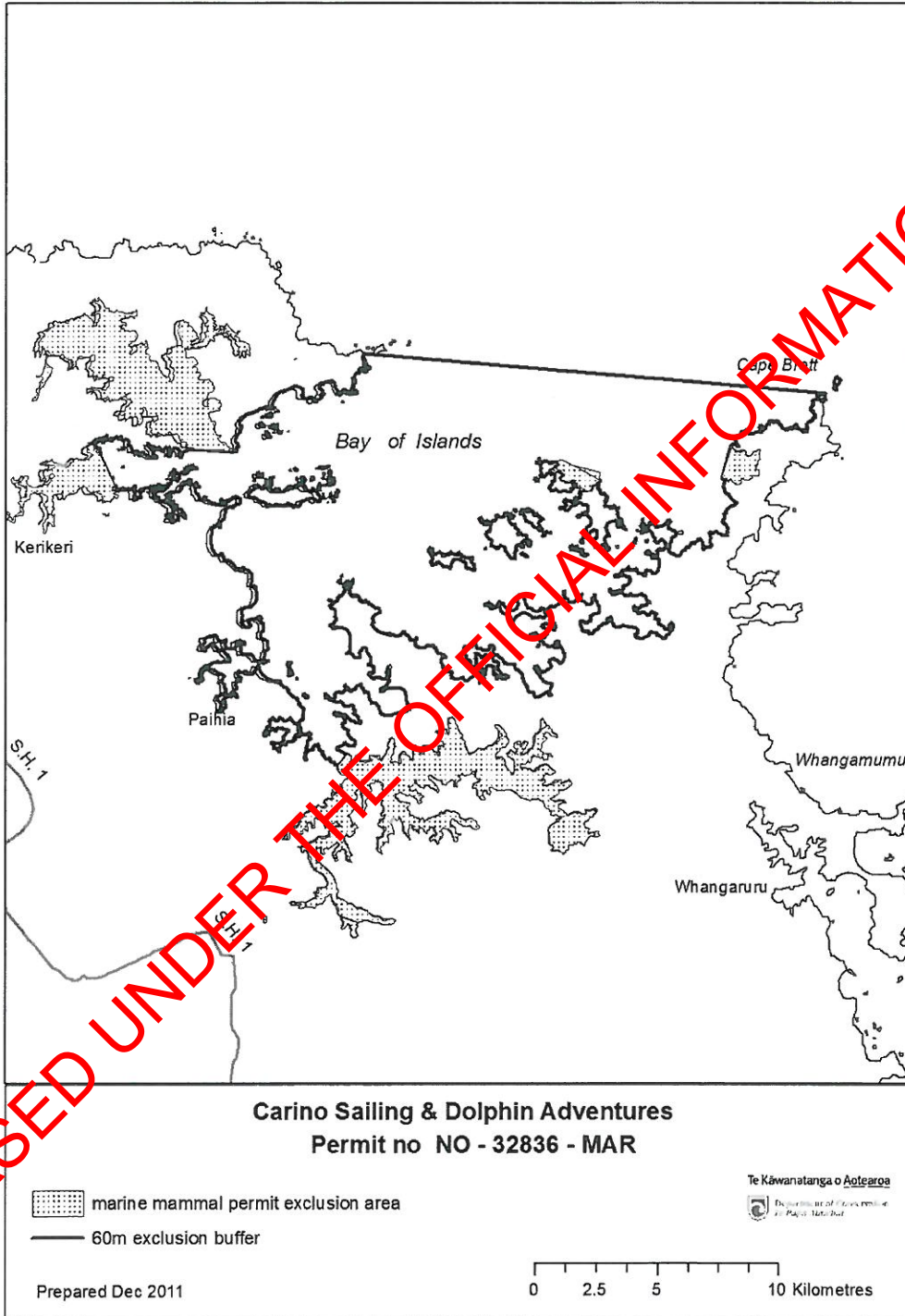
- 8. The permittee and master of the vessel must ensure that the relevant vessel/ does not approach the same group of bottlenose dolphins during a trip once contact has been broken after one or two swim attempts.
- 9. The permittee must maintain a register to the satisfaction of the Conservator detailing *inter alia* the time, date, duration and location of (i) all trips carried out under the authority of this permit. The permittee must record the location of interactions with cetaceans using GPS in WGS 84 datum / projection and record position to three (3) decimal minutes. The Conservator must not make requests to view the register with unreasonable frequency.
- 10. (a) The permittee must:
 - (i) provide, if and when requested, reports to the satisfaction of the Conservator, on the distribution, abundance, and behaviour of marine mammals in the area of operation under the authority of this permit;
 - (ii) record the location of interactions with cetaceans using GPS in WGS 84 datum / projection and record position to three (3) decimal minutes.
- (b) The Conservator must not make requests under this condition with unreasonable frequency and the nature of the requests must be reasonable in their scope.

SCHEDULE 2 B
SPECIAL CONDITIONS

1. This permit replaces the permit issued to Bruce Alexander McKay, Mary Ann McKay and Vanessa Ann McKay, dated 27 February 2009 and numbered PER/01/59/02, which is hereby revoked and must be returned to the Conservator, Northland Conservancy (called "the Conservator").

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SCHEDULE 3
AREA OF OPERATION



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SCHEDULE 4

1. Interpretation

1.1 The Permit Holder is responsible for the acts and omissions of its employees, contractors, agents, clients and invitees. The Permit Holder is liable under this Permit for any breach of the terms of the Permit by its employees, contractors, agents, clients and invitees, as if the breach had been committed by the Permit Holder.

2. What is being permitted?

2.1 The Permit Holder is only allowed to carry out the Authorised Activity in the Area of Operation as specified in Items 2 and 5 in Schedule 1 and must comply with the Special Conditions as set out in Schedule 2, the Application as set out in Schedule 5 and comply with the relevant provisions applying to the Authorised Activity in Part 3 of the Regulations as set out in Schedule 6.

2.2 In carrying out the Authorised Activity the Permit Holder must not exceed the maximum number of trips per annum and per day nor the maximum number of vessels that can be used at any one time as specified in Items 6, 7 and 10 of Schedule 1.

2.3 In carrying out the Authorised Activity the Permit Holder must only use the Vessel specified in Item 11 of Schedule 1 and only those persons specified in Item 15 of Schedule 1 may be the Master of such vessel.

3. What is the Duration of the Permit?

3.1 This Permit commences and ends on the dates specified in Item 16 of Schedule 1. The Director-General may renew the Permit from time to time.

4. What are the fees and when are they to be paid?

4.1 During the Term the Permit Holder must pay to the Director-General a monthly cost recovery charge (outlined below) plus GST, which the Director-General has set, based on the costs associated with administration, research and impact monitoring of the Authorised Activity.

Financial Year	2012 201	2013 2014	2014 201 5
Monthly Fee			
Excludin GST			

4.2 The Permit Holder must pay the fee within one month of being given notice in writing of the fee.

5. When may the Permit be transferred?

5.1 The Permit Holder must not transfer the Permit to any person without first obtaining the consent in writing of the Director-General.

5.2 The Director-General may-

- (a) Refuse to consent to the transfer of a permit; or
- (b) Consent to the transfer of a permit either with or without conditions.

5.3 Where the Permit Holder is a body corporate, the transfer of control of the management of the Permit Holder in whole or in part to another person is to be deemed to be a transfer of the Permit.

5.4 In considering whether or not to consent to a transfer of the Permit the Director-General must have regard to the applicable matters contained in regulations 6 to 9 of the Regulations.

6. When can the Permit be suspended, revoked, restricted or amended?

6.1 The Director-General may at any time suspend, revoke, restrict or amend the Permit pursuant to regulation 13 of the Regulations.

7. How are notices sent and when are they received?

7.1 Any notice to be given under this Permit is to be in writing and made by personal delivery, fax, by pre paid post or email to the Permit Holder at the address, fax number or email address specified in Item 17 of Schedule 1. Any such notice is to be deemed to have been received:

- (a) in the case of personal delivery, on the date of delivery;
- (b) in the case of fax, on the date of dispatch;
- (c) in the case of post, on the 3rd working day after posting;
- (d) in the case of email, on the date receipt of the email is acknowledged by the addressee by return email or otherwise in writing.

7.2 If the details set out in Item 17 of Schedule 1 change then the Permit Holder must within 5 working days of such change provide the Director-General with the changed details.

8. Some General Matters

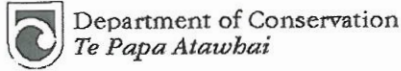
8.1 The Permit Holder must ensure that any Vessel authorised under this Permit prominently displays the permit label issued under the regulation 12 (5) of the Regulations.

8.2 The Permit Holder must ensure that any Vessel and Master named in this Permit meet the statutory requirements relating to the licensing and safety of the vessels, and the qualifications and licensing of the masters.

9. Are there any Special Conditions?

9.1 Special conditions are specified in Schedule 2. If there is a conflict between this Schedule 4 and the Special Conditions in Schedule 2, the Special Conditions are to prevail.

SCHEDULE 5
THE APPLICATION



APPLICATION TO RENEW A COMMERCIAL MARINE MAMMAL
PERMIT
Marine Mammals Protection Regulations 1992

NOTE: Applicants are required to cover the reasonable costs of processing their application, pursuant to Sections 60A and 60B of the Conservation Act 1987. A processing fee deposit of \$112.50 (including GST) is payable in advance. The Department will consider your renewal application and supply you with an estimate of total charges that will be incurred to process your application. Application processing fees are not refundable if your application to transfer is unsuccessful.

NOTE: When applying for this renewal you should bear in mind that your application will be assessed under regulation 6 of the Marine Mammals Protection Regulations 1992, as set out below. Further information may be sought from you for this assessment if this application is not completed fully as required.

Criteria for issuing permits-Before issuing a permit, the Director-General shall be satisfied that there is a substantial compliance with the following criteria:

- (a) That the commercial operation should not be contrary to the purposes and provisions of the Act;
- (b) That the commercial operation should not be contrary to the purposes and provisions of the general policy statements approved under section 3B of the Act, conservation management strategies approved under section 3C of the Act, or conservation management plans approved under section 3D of the Act;
- (c) That the commercial operation should not have any significant adverse effect on the behavioural patterns of the marine mammals to which the application refers, having regard to, among other things, the number and effect of existing operations;
- (d) That it should be in the interests of the conservation, management, or protection of the marine mammals that a permit be issued;
- (e) That the proposed operator, and such of the operator's staff who may come into contact with marine mammals, should have sufficient experience with marine mammals;
- (f) That the proposed operator, and such of the operator's staff who may come into contact with marine mammals, should have sufficient knowledge of the local area and of sea and weather conditions;
- (g) That the proposed operator, and such of the operator's staff who may come into contact with marine mammals, should not have convictions for offences involving the mistreatment of animals;
- (h) That the commercial operation should have sufficient educational value to participants or to the public.

NOTE: All information provided in this application will be used in a public submission process and will therefore be made available for public viewing.

NOTE: All aircraft and vessels, and their pilots and masters, must meet the statutory requirements relating to licensing and qualifications, as the case may require.

PLEASE attach any supporting documents and further pages if space is not adequate for the details required.

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1. a) Name (Company, Partnership or Individual - Trading name is not acceptable):

BA, MA, VA, McKay

b) Address

67 School Rd Pauhia 0247

c) Postal Address (if different from above)

PO Box 286
Pauhia 0247

d) Telephone - Business: 09 4028040 Private: 09 4027652

Fax: 09 4028661 Mobile: 0274933872

e) Email Address: carinopsailingdolphins.co.nz

f) Website (if applicable): www.sailingdolphins.co.nz

2. Species of all marine mammals with which the operation will have contact with:

Bottlenose Dolphin, Common dolphins, pelagic dolphins, false killer whales, long short finned pilot whales, killer whales, minke whales, humpback whales, Bryde's whales, Fin, Southern Right, Blue + Sei whales, and Fur seals.

3. Method of transport: (Tick)

BOAT: AIRCRAFT: OTHER (specify):

Details of proposed operation

4. If transport is to be by boat, specify:

(a) Total number of boats one

(b) Maximum number of boats operating at any one time: one

(c) Description of boat(s): size, make, model, construction, motive power, carrying capacity:

Boat 1:

14.32m Sailing Cutermoran, 60HP outboard Motors x2
Max 40 guests.

Boat 2:

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Boat 3:

(d) Details of all masters to be engaged in the commercial operation:

Surnames	Given names (required in full)
Mckay	Vanessa Ann
Mckay	Bruce Alexander
Mckay	Barry Thomas
Rainbow	Phillip

(e) Please supply any known information relating to the noise level of each vessel both above and below the sea:

Sailing - little or no noise
Motoring - small outboard 6HP x 2

5. If transport is to be by aircraft, specify:

- (a) Total number of aircraft:
- (b) Maximum number of aircraft operating at any one time:
- (c) Type of aircraft (tick):
- Fixed wing: Helicopter:

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(d) Make and model of aircraft, and identification number:

Aircraft 1:

Aircraft 2:

Aircraft 3:

Aircraft 4:

(e) Details of all pilots to be engaged in the commercial operation: NOTE: Include the number of the air service certificate or other document under which the aircraft will be operating:

Surnames

Given names (required in full)

Surnames	Given names (required in full)

(f) Please supply any known information relating to the noise level of each aircraft both above and below the sea:

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6. If application is for a shore-based operation, specify:

(a) Total number of vehicles intended to be used::

(b) Maximum number of vehicles operating at any one time :

(c) Make and model of vehicle, and registration number:

Vehicle 1:

Vehicle 2:

Vehicle 3:

(d) The proposed route of persons to be guided to the colony of marine mammals:

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(e) Details of the guides to be engaged in the commercial operation:

Surnames	Given names (required in full)

7. Base of operation:

8. Please define the proposed area of operation (a map must be included), and where appropriate, the specific locations where contact with marine mammals is proposed:

Cape Brett to nine pin RK - see map attachment (1)

9

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9. (i) Frequency of trips (you must define the number of trips you intend to run in a 24 hour period after 12am midnight. Times should be specified where possible):

1 trip every 24 hrs

(ii) Duration of trips (should detail total trip duration, and time expected to be spent with marine mammals)

6 hrs
Time spent with marine mammals as per the permit conditions

(iii) Time of year:

all year - weather permitting

(iv) Maximum number of passengers or persons per trip:

Max Pax = 40 guest + 3 crew

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10. Describe in detail your intended operation. This must include information on all aspects of the activity, including the following:

- The nature of contact with marine mammals;
- Whether swimming with marine mammals is intended (and with what species?);
- How contact will be initiated and what the process will be;
- Maximum duration of contact with marine mammals
- A detailed procedure and chronology of the trips

See attached. (ii)

i yes the tow allows swimming with marine mammals as per the permit rules + regulation

ii contact would be if the marine mammals are within our proposed area, during the times the permit allows

iii captain's choice of route to allow for sea state + weather conditions

iv tow times are 9am to 4:30pm.

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Lined area for handwritten responses.

11. Are all the details outlined in questions 2-10 above the same as what is permitted under the existing permit (please tick)?

YES (go to 12):

NO (go to 11b):

b) If not, please specify those parts of the operation which differ (please note that any significant increase in operation effort, or potential impacts on marine mammals, may require a public notification process):

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12. Please set out the experience with marine mammals of the proposed operator and such of the operator's staff who may come into contact with marine mammals:

V. McKay - 1995 - 2011 own + operated "Carino NZ" Doc approved marine mammal vessel in NZ B.O.I

B. McKay : 50yrs commercial skipper + 1995-2011 part owner + relief skipper of "Carino NZ" Doc approved marine mammal vessel

any McKay : 30yrs sailing the world on commercial vessels + 9 years working part time on "Carino NZ" Doc approved mm vessel

P. Rainbow : 2000-2007 Full time crew aboard Carino NZ, 2007-2011 part time crew from 2005-2011 part time skipper aboard Carino NZ' doc mm vessel

S. Laughlin : crew aboard Carino NZ from 2006-2011 - Full time

13. Please set out the knowledge of the local area and sea/weather conditions of the proposed operator and such of the operators staff who may come into contact with marine mammals (not applicable to shore-based operations):

V. Melay, 25 years living in B.O.I, 16 yrs working as Skipper in the proposed area, with a very sound knowledge of the area

B. Melay 29 yrs skipping commercial boats in the B.O.I area. A very good practical knowledge of sea and local weather conditions in the proposed area.

Bony Melay: 19 yrs living in the B.O.I area, an excellent local knowledge + sea + weather conditions

P. Rainbow: 11 yrs living in B.O.I + working on the sea, with a solid knowledge of sea state + weather conditions of the B.O.I area

14. Please set out details of any convictions of the proposed operator and of those employees of the operator who may come into contact with marine mammals, for offences against the

Marine Mammals Protection Act 1978 or any other Act involving the mistreatment of animals:

N.L.

15. Please supply details or examples of any educational material to be provided, or educational aspects of the proposed operation.

accord 'Carno NZ' we have various book + educational material

1. Marine Mammals of Northland educational Manual - 1998 - Jo Berghan
2. Marine Mammals of Northland - update to educational Manual - 2009
3. Whale, Dolphins + Porpoises - Dorling Kindersley handbook.
4. Bay of Island fin id catalogue
5. The NZ whale + Dolphin Digest - S. Dawson
6. Whale watcher - T. Day
7. Collins guide to the NZ Seashore - D. Gunnson
8. Field Guide to NZ Seabirds - B. Parkerson
9. Project Island song information
10. 2x DOC posters of NZ marine mammals.

also see attached info: attachment (iii)

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16. Name, occupation, address and telephone number of two independent persons who will vouch for the applicant:

i). Alan Robertson - builder (boat)

ii). Hugh Middleton - transport Services

Signed:

Name:

Application Date:

Please post application and processing fee deposit of \$112.50 (including GST) to your nearest Department of Conservation Conservancy Office, addressed to the Conservator

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attachment ii

Carino Sailing and Dolphin Adventures invites you to experience a full day sailing adventure.

Sailing

A peaceful way to explore the Bay of Islands. On board lend a hand to hoist the mainsail and jib. Sit back and relax as the sails catch the breeze and the 50ft catamaran skims across the waves

We sail amongst the 144 islands that make up the beautiful Bay of islands. Sailing under the guidance of professional crew provides a relaxed way for guests to explore the bay.

Sightings of the world's smallest penguin, the 'little blue penguin', Australasian gannets, pied cormorants, shearwaters, stormy petrels and other ocean birds are common for our guests.

Dolphins

We are the only yacht licensed by Department of Conservation to swim with the dolphins. Viewing and swimming with wild dolphins in their natural habitat is an amazing and wonderful experience.

We are conscious of the need to protect the dolphins and respect their habitat. Interaction with the dolphins (especially swimming) is at the dolphins' invitation. Skippers and crew are trained in recognizing signs of avoidance or non-interest by dolphins.

Also compliance with Marine Mammals Act 1978 and 1992 Regulations means that there are times we can not swim. If dolphins are feeding, resting or if any pod contains juveniles or calves. During these times we can watch and appreciate the magic of wild dolphins.

Island Stopover

Due to the spontaneous nature of sailing, there are several favorite islands that CARINO NZ can stop at. Your skipper will find a suitable calm cove to enjoy. There is a wide range of activities available at our island stopover.

- Snorkelling tours, all equipment is provided, no experience is required, and all instruction is given by, our experienced and local crew, who may join you.
- Nature walks on Department of Conservation tracks, are accessible on all islands, with spectacular Bay views.
- For the energetic beach games- volleyball, frisbee, boules or relax on the beach in the sun, maybe a spot of beachcombing for that unique shell souvenir.
- The BBQ lunch is held back aboard CARINO N Z. It is a kiwi style BBQ. Vegetarians are also catered for on request. CARINO NZ has a fully licensed bar, with a range of New Zealand beers, wines and cool drinks.

After lunch it is time to help set the sail again, to continue sailing through the Bay of Islands. An informal commentary is given by the crew on historical and geographical points of interest in the Bay of Islands.

Throughout the day the tour will usually circumnavigate the islands in the Bay of Islands. Guests would have experienced spectacular scenery, fantastic sea life, explored both the coastline and an island, within the Bay of Islands Maritime Park.

Attachment (iii)

Information and Facts about the Bay of Islands and Dolphins.

As we cruise around the Bay of Islands, experience spectacular scenery with volcanic black rocks and rugged cliffs. You have arrived at one of the finest maritime parks in New Zealand; over 100 islands and numerous bays teem with birds and marine life.

The Bay formed when the sea drowned a number of river valleys, creating an irregular and attractive coastline of more than 800 km. The area shows signs of volcanic activity, with many eruption outlets and lava flows. It comprises about 150 islands, as well as several inlets or arms leading into the Bay, chief of which are Kerikeri Inlet, Waikare, Mangonui, and Purerua.

The Bay of Islands is New Zealand's cradle of European civilization, with many points of interest relating to both early European and Maori settlement. Before the arrival of European explorers and settlers, the Maori lived in this area for hundreds of years, their culture adding an underlying Polynesian graciousness to the country.

There are many "firsts" associated with the Bay of Islands, such as the first European community, the oldest home and church in the country and the first capital of New Zealand.

1st contact with New Zealand - On 6th October 1769, Nicholas Young, the surgeon's boy, sighted the coastline of New Zealand from the masthead of The Endeavour.

2 months later Captain James Cook anchored the Endeavour in the channel between Motuarohia (Robertson Is) and Long Beach at Russell in November 1769. His first landing in the bay was on this island, at the bay called Cook's cove.

"I have named it the Bay of Islands, on account of the great number which line its shore"
Cook's Journal

Whalers arrived on the coast at the beginning of the 19th century. Once established in Northland waters the Bay of Islands became a major south pacific seaport. With whalers came settlers and traders, missionaries and soldier. The whalers rested and refitted here, trading for pork, fresh vegetables, fish, spars and the favors of Maori women. On February 6th 1840 about 50 chiefs signed the treaty of Waitangi ceding sovereignty of their land to the British.

Bay of Islands average of 2000 hours of sunshine each year. February is the warmest month, with temperature averages of 26.7 degrees Celsius. Predominant wind over all seasons is from southerly quarter, Southwest most frequent. Spring windiest season. Sea Breezes often develop about the middle of the day, during the warmer months and can effect local wind conditions. Bay of Islands average rainfall of 1500mm per year. Population of Paihia and Russell is 2000- 3000, which will triple in the height of summer.

Bottlenose Dolphins- *Tursiops truncatus*

Distribution and Habitat

Bottlenose dolphins inhabit temperate and tropical waters throughout the world, absent from 45 degree pole ward in either hemisphere. They are frequently seen in harbours, bays, lagoons, gulfs, and estuaries. There appears to be two ecotypes: a coastal form and an offshore (pelagic) form. The coastal bottlenose have limited home ranges

In general, the *coastal* ecotype seems to be adapted for warm, shallow waters. Its smaller body and larger flippers suggest increased manoeuvrability and heat dissipation. These dolphins frequent harbours, bays, lagoons, and estuaries.

Population.

The worldwide population of bottlenose dolphins is unknown. Specific bottlenose dolphin populations in a few areas have been estimated. Bottlenose dolphins are not endangered. But are decreasing worldwide, due to live captures, accidental captures in fishing gear, pollution, habitat alteration, boat collisions, human disturbance and natural predators.

Physical Description:

This is a relatively robust dolphin with a usually short and stubby beak – hence the name "bottlenose". The bottlenose has more flexibility in its neck than other oceanic dolphins because 5 of the 7 vertebrae are fused together. There are 18-26 pairs of sharp, conical teeth in each side of the jaw.

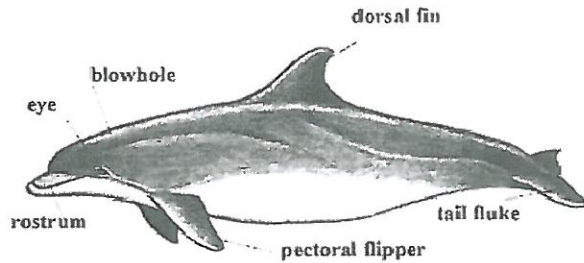
Coloration is generally light gray to slate gray on the back, fading to white on the belly, lower jaw, and anal regions. The belly may be pinkish. This coloration, a type of camouflage known as counter shading, may help conceal a dolphin from predators and prey. When viewed from above, a dolphin's dark back surface blends with the dark depths. When seen from below, a dolphin's lighter belly blends with the bright surface of the sea.

Large bottlenose dolphins in the Pacific may be 3.7 m (12 ft.) and weigh 500 kg (1,200 lb.) On average, full-grown males are slightly longer than females, and considerably heavier. As juveniles, however, females grow at a faster rate until about 10 years of age.

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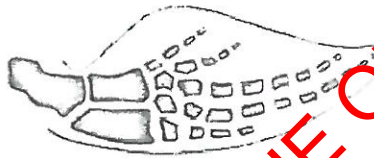
Body shape.

A bottlenose dolphin has a sleek, streamlined, fusi form body.



Fins and Fluke.

A dolphin's forelimbs are pectoral flippers. Pectoral flippers have all the skeletal elements of the forelimbs of terrestrial mammals, but they're foreshortened and modified.



Dolphins use their pectoral flippers mainly to steer and, with the help of the flukes, to stop. Each lobe of the tail is called a fluke. Flukes are flattened pads of tough, dense, fibrous connective tissue, completely without bone or muscle. Like the flukes, the dorsal fin is made of dense, fibrous connective tissue, with no bones. The dorsal fin is often falcate (curved back), although the shape is quite variable. It is located at the centre of the back.

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Sound, Sight and Touch.

Dolphins have acute vision both in and out of the water. A dolphin's eye is particularly adapted for seeing in water. Their hearing is well developed. A bottlenose dolphins skin appears to be sensitive to a broad range of tactile sensations

Swimming, Diving and Sleep

Swimming speed and duration are closely tied: high-speed swimming probably lasts only seconds while low-speed swimming may last for long periods of time. Bottlenose dolphins routinely swim at speeds of about 5-11 kph (3 to 7 mph).

Bottlenose dolphins generally do not need to dive very deeply to catch food. Depending on habitat, most bottlenose dolphins regularly dive to depths of 3.0-45.7m (10 to 150 ft.). They are, however, capable of diving to some depth. Under experimental conditions, the deepest trained dive is 547 m (1,795 ft). It is possible for a dive to last eight to ten minutes.

When studying sleep in bottlenose dolphins, researchers found that dolphins spent about 33% of each day sleeping/resting. Soviet researchers have shown that deep sleep in bottlenose dolphins may occur in only one brain hemisphere at a time

Social structure.

Bottlenose dolphins live in groups called *Pods*. Bottlenose dolphins seem to live in relatively open societies. Mother and calf bonds and some other associations maybe strong, but individuals may be seen from day to day with a variety of different associates. Group size is often less than 20. In the wild, pod composition and structure are based largely on age, sex, and reproductive condition

Mother-calf bonds are long-lasting; a calf typically stays with its mother three to six years or more. Adult male pair bonds are strong and long-lasting. Male pairs often engage in a number of cooperative behaviours, often hunting together

Bottlenose dolphins establish and maintain dominance by biting, chasing, jaw-clapping, and smacking their tails on the water. Dolphins often show aggression by scratching one another with their teeth, leaving superficial lacerations that soon heal. Traces of light parallel stripes remain on the skin of the dolphin. These marks have been seen in virtually all species of dolphins. Dolphins also show aggression by emitting bubble clouds from their blowholes.

During courtship, dolphins engage in head-butting and tooth-scratching

Individual behavior.

Dolphins frequently ride on the bow waves or the stern wakes of boats. This is probably adapted from the natural behavior of riding ocean swells, the wakes of large whales, or a mother dolphin's "slip stream" (hydrodynamic wake).

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Dolphins have been seen jumping as high as 4.9 m (16 ft.) from the surface of the water and landing on their backs or sides, in a behavior called a breach.

Both young and old dolphins chase one another, carry objects around, toss seaweed to one another, and use objects to solicit interaction. Such activity may be practice for catching food.

Protection and care.

1. Large adult males often roam the periphery of a pod, and may afford some protection against predators (Herman, 1980).
2. Researchers have observed scouting behavior in bottlenose dolphins. An individual may investigate novel objects or unfamiliar territories and "report" back to the pod (Herman, 1980).
3. Bottlenose dolphins may aid ill or injured pod mates. They may stand by and vocalize, or they may physically support the animal at the surface so it can breathe.

Interaction with other species.

Bottlenose dolphins have been seen in groups of toothed whales such as pilot whales, spinner dolphins, spotted dolphins, and rough-toothed dolphins.

Bottlenose dolphins have been seen riding the pressure waves of gray whales, humpback whales, and right whales. Dolphins respond to sharks with tolerance, avoidance, and aggression. Tiger sharks elicit the strongest responses from dolphins. Researchers have observed dolphins attacking, and sometimes killing, sharks in the wild.

Food intake.

Adult bottlenose dolphins eat approximately 4% to 5% of their body weight in food per day. (8-15kg). A nursing mother's daily intake is considerably higher: about 8%

A dolphin's stomach is compartmentalized for rapid digestion. It can also function as a crop when food is taken opportunistically. Feeding usually peaks in the early morning and late afternoon.

Methods of collecting food.

Feeding behavior is flexible and adapted to a dolphin's particular habitat and available food resources.

Dolphins do not chew their food. Usually they swallow fish whole, head first, so the spines of the fish won't catch in their throats. They break larger fish by shaking them or rubbing them on the ocean floor.

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Hunting strategies are varied and diverse. Bottlenose dolphins often cooperate when hunting and catching fish. In open waters, a dolphin pod sometimes encircles a large school of fish and herds them into a small, dense mass, sometimes using their tail flukes to stun the fish. The dolphins take turns charging through the school to feed. Occasionally dolphins herd schools of fish against a sand bar or shoreline to trap them in shallow water where they are easy prey. Dolphins also feed on individual, non schooling fishes. To hunt larger fishes, a bottlenose dolphin may use its tail flukes to kick a fish out of the water, then retrieve the stunned prey. Bottlenose dolphins often feed in association with fishing operations.

Mating and Breeding.

Males reach sexual maturity at about 10 years. Females at about 5-10 years. Females seem to be sexually receptive during a large part of the year and are generally responsible for initiating courtship and breeding behaviour. Bottlenose dolphins may breed throughout the year. Gestation period is about 12 months. Calving can take place year round with peaks in some areas during spring and Autumn.

Calves are born in the water. Deliveries can be either tail-first or head-first. The umbilical cord snaps during or soon after delivery.



Sometimes an assisting dolphin may stay close to the new mother and calf. Although this assisting dolphin often is referred to as an "auntie" dolphin, it may be male or female. This "auntie" dolphin is often the only other dolphin a mother allows near her calf.

The calf is approximately 106-132 cm (42 to 52 in.) long and weighs about 20 kg (44 lb.).

In the first few days after birth, the dorsal fin and tail flukes are flaccid and pliable, but gradually become more stiff.

Calves are darker than adults and show several vertical, light-colored lines on their sides, a result of fetal folding. These lines disappear within six months.



The light-colored lines on the sides of a dolphin calf are a result of fetal folding.

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Calves nurse under water, close to the surface. The calf suckles from nipples concealed in abdominal mammary slits. Calves nurse for 12-18 months, and stay with their mother for 3-6 years learning how to catch fish and other social behaviours.

Predators.

Certain large shark species are predators of bottlenose dolphins. Dolphin remains are often found in the stomachs of tiger sharks, dusky sharks, and bull sharks. Killer whales may also prey on bottlenose dolphins.

Human impact.

In the recent past, bottlenose dolphins have been taken directly for meat, leather, oil, and meal (for fertilizer and animal feed). Bottlenose dolphins, particularly coastal animals, are also affected by pollution, heavy boat traffic, habitat destruction, and competition with fisheries. Dolphins are also caught accidentally in fishing gear during commercial fishing operations. Recent conservation efforts have greatly reduced the number of dolphin mortalities.

What are we doing to help the dolphins?

New Zealand Marine Mammal Act

The Marine Mammal Act of 1972 made it illegal to hunt or harass any marine mammal in NZ waters.

The primary objective of the Act is to maintain the health and stability of the marine ecosystem and to obtain and maintain an optimum sustainable population of marine mammals.

According to the Act, all whales and dolphins in NZ waters are under the jurisdiction of the Department of conservation.

The International Whaling Commission.

In 1946, 14 countries signed the International Whaling Convention for the regulation of whaling, forming the International Whaling Commission (IWC). The purpose of the IWC is to protect the future of whale stocks as a resource.

Members of the IWC are requested to report direct and indirect catches of small cetaceans, including bottlenose dolphins, as part of their National Progress Reports on Cetacean Research. For the most part, however, these catches go largely unreported (Klinowska, 1991).

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The IUCN/Species Survival Commission (SSC).

The International Union for the Conservation of Nature and Natural Resources (IUCN)/ Species Survival Commission (SSC) Cetacean Specialist Group Action Plan contains several projects related to bottlenose dolphin conservation, including studies of accidental entanglements (Klinowska, 1991).

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international treaty developed in 1973 to regulate trade in certain wildlife species. CITES protects all species of toothed whales. Bottlenose dolphins are listed on CITES Appendix II. Any trade concerning this species is strictly controlled (Klinowska, 1991).

Marine zoological parks.

Most people do not have the opportunity to observe bottlenose dolphins in the wild. The unique opportunity to observe and learn directly from live animals increases public awareness and appreciation of wildlife.

Dolphins which survive the stress of capture and are then held in oceanariums, may be subject to poor hygiene, sanitation and feeding. Even in better equipped institutions, it is said, they do not adjust to life in captivity, suffering high stress and boredom.

No aquarium, no tank in a marine land, however spacious it may be, can begin to duplicate the conditions of the sea. And no dolphin who inhabits one of those aquariums or one of those marine lands can be considered normal.
Quotation of Jacques Yves Cousteau

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STATUTORY DECLARATION

This declaration must accompany the application and is to be signed by the applicant, or in the case of a company, by the Managing Director or Chief Executive. Where the application is being made by a partnership, each and every partner should make and sign the declaration in the form indicated below.

I/We

- (i) Vanessa Ann McKay
- (ii) Bruce Alexander McKay
- (iii) Mary Ann McKay
- (iv)
- (v)

(Full Name[s])
of Paohia

- (i) Paohia
- (ii) Paohia
- (iii) Paohia
- (iv) _____
- (v) _____

(Place)

(Occupation)

do [severally] solemnly and sincerely declare that all the information contained in this application form is true and correct, and I [we severally] make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

- (i) Vanessa (iv) _____
- (ii) Bruce (v) _____
- (iii) Mary Ann

Signature(s) of declarant(s)

Declared at Paohia this 17th day of OCTOBER 2011

A Justice of the Peace or
A Solicitor of the High Court
(or other person authorised to take a statutory declaration)

Murray D Jenkin JP

Murray D Jenkin JP - Reg: 99320
Paohia
Justice of the Peace
for New Zealand

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SCHEDULE 6
PART 3 OF THE REGULATIONS

Part 3
Behaviour around marine mammals

17 Application of this Part

Nothing in regulation 18 or regulation 19 or regulation 20 of these regulations shall apply to persons, vessels, aircraft, or vehicles rendering assistance to stranded or injured marine mammals.

18 Conditions governing commercial operations and behaviour of all persons around any marine mammal

Every commercial operation, and every person coming into contact with any class of marine mammal, shall comply with the following conditions:

(a) 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:

(e) 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:

(f) 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:

(g) No aircraft engaged in a commercial aircraft operation shall be flown below 150 metres (500 feet) above sea level, unless taking off or landing:

(h) When operation at an altitude of less than 600 metres (2000 feet) above sea level, no aircraft shall be closer than 150 metres (500 feet) horizontally from a point directly above any marine mammal or such lesser or greater distance as may be approved by the Director-General, by notice in the *Gazette*, from time to time based on the best available scientific evidence:

(i) No person shall disturb or harass any marine mammal:

(j) Vehicles must remain above the mean high water spring tide mark and shall not approach within 50 metres of a marine mammal unless in an official carpark or on a public or private slipway or on a public road:

(k) No person, vehicle, or vessel shall cut off the path of a marine mammal or prevent a marine mammal from leaving the vicinity of any person, vehicle, or vessel:

(l) Subject to paragraph (m) of this regulation, 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:

(n) Pilots of aircraft engaged in a commercial aircraft operation shall use their best endeavours to operate the aircraft in such a manner that, without compromising safety, the aircraft's shadow is not imposed directly on any marine mammal.

19 Special conditions applying to whales

In addition to complying with the provisions set out in regulation 18 of these regulations, every commercial operation and every person coming into contact with whales shall also comply with the following conditions.

(a) No person in the water shall be less than 100 metres from a whale, unless authorised by the Director-General:

(b) 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:

(d) No vessel or aircraft shall approach within 300 metres (1000 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:

(e) Where 2 or more vessels or aircraft approach an unaccompanied whale, the masters concerned shall co-ordinate their approach and manoeuvres, and the pilots concerned shall co-ordinate their approach and manoeuvres:

(f) No person or vessel shall approach within 200 metres of any female baleen or sperm whale that is accompanied by a calf or calves:

(g) A vessel shall approach a whale from a direction that is parallel to the whale and slightly to the rear of the whale:

(h) No person shall make any loud or disturbing noise near whales:

(i) Where a sperm whale abruptly changes its orientation or starts to make short dives of between 1 and 5 minutes duration without showing its tail flukes, all persons, vessels, and aircraft shall forthwith abandon contact with the whale.

20 Special conditions applying to dolphins or seals

In addition to complying with the conditions set out in regulation 18 of these regulations, any commercial operation and any person coming into contact with dolphins or seals shall also comply with the following conditions:

(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) of this regulation, no person shall make any loud or disturbing noise near dolphins or seals:

(e) No vessel or aircraft shall approach within 300 metres (1000 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.

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