

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

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

- involves only filming of marine mammals with a drone; and
- involves filming a marine mammal closer than 150m horizontally and would contravene regulation 18(h) in Part 3 of the Marine Mammals Protection Regulations 1992.

Please complete this application form, attach **Form 8** and any other applicable forms and information and send to:

Permissions Advisor (Support)

Private Bag 4715

Christchurch Mail Centre

Christchurch 8140

Ph +64 3 371 3700

Email: permissionschristchurch@doc.govt.nz

The Department will process the application and issue a permit if it is satisfied that the application meets all the requirements for granting a permit under the Marine Mammals Protection Act 1978.

A. Applicant name (as per Form 8)

Spindrift Images

B. Proposed Filming Operation (please read Appendix 1)

Purpose, outputs and benefits of the proposed filming

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

Spindrift Images (Nick Dean) is currently producing a feature length documentary called "The Secret Whales" (Secretwhales.com). The Secret Whales is an environmental detective story uncovering the massive illegal and secret slaughter of whales perpetrated by the Soviet Union in the 1960s. Described by scientists as "one of the greatest environmental crimes of the 20th century", involving the KGB, secret codes, and deception at the highest levels of government, the magnitude of this illegal whaling was realized through the diligent efforts of a small international group of intrepid scientists. Filming is about 70% complete, and has been conducted in the US, Slovenia, Russia, Ukraine, Dominica and French Polynesia. We have obtained footage of both humpback and sperm whales on these filming excursions.

A key component of the film is a description of the illegal killing of Humpback whales off the New Zealand coast in the early 1960s. In fact more than 25,000 Humpback whales were killed illegally by the Soviet whalers in just two year. We plan to visit New Zealand to interview both local and international conservationists and demonstrate how their efforts have succeeded in helping to reestablish this population. In addition, our plan is to film humpback whales in their natural environment, which will allow us to bring home to a wide audience how close these animals came to being eradicated by illegal and secret whaling.

Proposed term

(Up to three years)

3 days

Location information

Base of operation:

Kaikoura

Proposed area or areas of operation:

The waters off Kaioura

Specific locations where contact with marine mammals is likely:

We plan to film Humpback whales from the DOC vessel in the waters off Kaikoura harbour.

Species

Marine mammals you propose to encounter and film:

- all species of whales
- X all species of dolphins
- all species of seals

Please specify the species you intend to target at each location

Primarily Humpback whales, and Sperm whales if the latter are found. We would also be interested in obtaining footage of local dolphin populations; however, these species are not the primary focus of the documentary.

Filming details

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

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

We plan to film July 3, 4 and 5. The final daily schedule will be determined by the DOC employees (including Mike Morrissey) who will be accompanying us. We anticipate being on the water for no more than 8 hours each day. If no whales are in the area then we will not be going out on the water.

Maximum time spent with marine mammals per individual encounter:

15 minutes

Maximum cumulative time with marine mammals during a day:

1 hour

How will you approach, film and depart from marine mammals using a drone?

Is the drone being launched from:

- land
- boat
- both

Approach speed

The drone will be launched from a stationary boat. The drone speed will match the speed of the whale during filming, to approach the whale we will fly at no greater than 5 knots above the speed of the whale (approximately 10 knots).

Horizontal distance from marine mammals in the water

We plan to film the whales from multiple angles, including directly above and adjacent to. The adjacent distance will be no closer than approximately 50 feet unless they are breaching or exhibiting other behavior which would warrant a greater distance.

Vertical distance from marine mammals in the water

No closer than approximately 50 feet.

Horizontal distance from seals on land

N/A

Vertical distance from seals on land

N/A

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

Approximately 100 feet

Height above sea level while filming marine mammals

Between 100 and approximately 50 feet

Orientation of approach

We will try to orient behind the whale or at a 45 degree angle during the approach of the drone.

What other actions you will take to minimise disturbance

We will try to minimize the time spent with an individual animal with no more than 15 minutes spent on any individual animal. Drones have been used recently as instruments to collect materials from whale "blows", and the whales do not seem to be impacted by the presence of these small flying vehicles (<http://www.sciencemag.org/news/2015/08/drones-give-whales-breathalyzer-test>).

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

Maximum number of drones operating at any one time:

One

Drone 1 description:

Model: DJI Phantom 4 Pro

Noise level: Maximum 75 – 80 db

Drone 2 description:

Model:

Noise level:

Drone Operator(s)

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

Full Name: Nicholas Dean

Job Title: Producer, Filmmaker

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

Yes

No

If yes please provide details:

Relevant experience with marine mammals: Extensive filming experience with whales both in and on the water, in the Austral Islands, Australia, Dominica, Madagascar and the United States.

Relevant knowledge of the local area and sea conditions: Limited – however we will be working with local DOC employees and who will determine the best locations and whether conditions allow filming at a given time.

Full Name:

Job Title:

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

Yes

No

If yes please provide details:

Relevant experience with marine mammals:

Relevant knowledge of the local area and sea conditions:

Full Name: Job Title:

Has this person had any convictions or prosecutions for offences against the Act or any other Act involving the mistreatment of animals? Yes No

If yes please provide details:

Relevant experience with marine mammals:

Relevant knowledge of the local area and sea conditions:

C. Other

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