

Application Form 8g

Transfer of a vessel based marine mammal permit application



Department of
Conservation
Te Papa Atawhai

New Zealand Government

The existing holder of the permit (Applicant) who applies to transfer the permit must check and complete page 2 and the proposed new holder of the permit (proposed Transferee) must complete the subsequent pages. The Applicant must ensure ALL sections are completed before emailing the form to permissions@doc.govt.nz.

For Marine Mammal queries or questions about the process please contact: Email: permissionschristchurch@doc.govt.nz

Please note, the transfer application is to be made on the basis that the operation is to continue like for like. It is important to ensure that the current levels of activity are understood as it may not be possible to make any increases in effort. If the proposed Transferee needs to amend any of the following aspects of the current operation, or is likely to need to amend them in the future, please contact a Department of Conservation permissions advisor before completing the form:

- type and number of vessels;
- proposed area of operation;
- maximum number of vessels operating at any one time;
- base of operation;
- duration of trips;
- frequency of trips;
- type of contact with marine mammals;
- maximum numbers of passengers;
- species of marine mammals.

If the Grantor gives consent to this Application, then the Applicant remains liable to observe and perform the terms and conditions of this Permit until the Transferee has duly executed and returned to the Grantor the amended permit.

Once the application form has been filled in, please complete this checklist to ensure that all components of your application are complete. This will help prevent any possible delays in the processing of your application.

- Proposed Transferee's legal status registration number (e.g. Companies Office registration number) or date of birth (if an individual)
- Has the proposed Transferee read and accepted the section regarding the liability of the applicant for payment of fees?
- Have the proposed Transferee and the Applicant signed the application?
- The proposed Transferee understands that amendments need to be assessed for their effect on marine mammals and will be subject to approval.

All efforts in putting together a detailed application are greatly appreciated and will allow the Department to effectively and efficiently process your application.

This page must be completed by the Applicant

Details of Existing Permit

| | |
|---------------------------|--|
| Permission number | |
| Holder of existing permit | |
| Date Permit started | |
| Date of Expiry | |

Transferor Declaration

I/We apply to transfer this permit to the proposed Transferee identified in Item A overleaf.

| | | |
|---|--|-------------|
| Reason for transfer | | |
| Date of transfer e.g. date of the business settlement | | |
| | | Please tick |
| Payment of existing permit fees | I have paid all my permit fees (where relevant) up to the date of transfer | |
| Liability | I understand that I will remain liable to observe and perform the terms and conditions of this Permit until the proposed Transferee has duly executed and returned to the Grantor an amended permit. | |
| Signature (Applicant) | | Date |

All blank sections must be completed by the proposed Transferee

A. Proposed Transferee Details

| | | | | | | | | |
|---|------------|--|--------------------|------------|-------|--|----------------------|--|
| Proposed Transferee Name (full name of registered company or individual) | | | | | | | | |
| Legal Status of Proposed Transferee (tick) | Individual | | Registered Company | | Trust | | Incorporated Society | |
| Other (please specify full details) | | | | | | | | |
| Please supply the company, trust or incorporated society registration number: | | | | | | | | |
| If an individual, please supply your date of birth (this is a unique identifier for you): | | | | | | | | |
| Trading Name (if different from Proposed Transferee name) | | | | | | | | |
| Postal Address | | | | | | | | |
| Street Address (if different from Postal Address) | | | | | | | | |
| Registered Office of Company or Incorporated Society (if applicable) | | | | | | | | |
| Phone | | | | Website | | | | |
| Contact Person and role | | | | | | | | |
| Phone | | | | Cell Phone | | | | |
| Email | | | | | | | | |
| Contact Person and role | | | | | | | | |
| Phone | | | | Cell Phone | | | | |
| Email | | | | | | | | |

B. Activities applied to transfer

Please fill in all the forms that are applicable. Please tick below the forms that have been completed and attach with this form. Please note that these forms are a necessary requirement of the application process and must be filled out in full.

| ACTIVITY | FORM | ✓ |
|-------------------------------|------|--------------------------|
| Vessel Based Viewing Transfer | 8g | <input type="checkbox"/> |
| Land Based Viewing Transfer | 8h | <input type="checkbox"/> |
| Swimming with marine mammals | 8e | <input type="checkbox"/> |

C. Background Experience of Proposed Transferee

Please provide relevant information relating to the Proposed Transferee's knowledge and experience operating with Marine Mammals. *N/B - Please note that this section is for the Proposed Transferee as the operator. Section D is to be completed for staff/guides and skippers.*

Please provide relevant information relating to the Proposed Transferee's knowledge and experience operating within the region and local area, and of the sea and weather conditions.

Has the Proposed Transferee or any of the company directors, trustees, partners, or anyone involved with the Proposed Application been convicted of any offence? Does the Proposed Transferee or any of the company directors, trustees, partners, or anyone involved with the Application have any current criminal charges pending before the court?

If yes, please supply details:

D. Operation

Species

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

*Excluding:

Or

Species specific encounters you seek to view (list species):

Location information

Base of operation:

Departure location (if different to base of operations):

Proposed area of operation:

Specific locations where contact with marine mammals is proposed:

Tour route:

You must attach a map of the proposed area of operation; it must clearly show the boundaries of the area, any specific locations where contact with marine mammals is likely and expected routes.

Trip details

Frequency - proposed months of operation:

Frequency - number of trips per annum:

Frequency - number of trips per day:

Duration of trips:

Maximum number of vessels operating at any one time:

Maximum number of passengers:

Type and number of vessels to be used

Vessel 1 description:

| | |
|--|---|
| Vessel name: | Make: |
| Model: | Size: |
| Carrying capacity: | Colour: |
| Motive power: | Construction and hull design: |
| Planing hull: <input type="checkbox"/> | Displacement hull: <input type="checkbox"/> |
| Noise levels above sea: | Noise levels below sea: |
| Maximum speed: | Normal cruising speed: |

Vessel 2 description:

| | |
|--|---|
| Vessel name: | Make: |
| Model: | Size: |
| Carrying capacity: | Colour: |
| Motive power: | Construction and hull design: |
| Planing hull: <input type="checkbox"/> | Displacement hull: <input type="checkbox"/> |
| Noise levels above sea: | Noise levels below sea: |
| Maximum speed: | Normal cruising speed: |

Vessel 3 description:

| | |
|--|---|
| Vessel name: | Make: |
| Model: | Size: |
| Carrying capacity: | Colour: |
| Motive power: | Construction and hull design: |
| Planing hull: <input type="checkbox"/> | Displacement hull: <input type="checkbox"/> |
| Noise levels above sea: | Noise levels below sea: |
| Maximum speed: | Normal cruising speed: |

Masters, skippers, guides and other relevant staff

Please fill in for every staff member who may come into contact with marine mammals throughout the course of the proposed operation. (Copy and Paste additional fields for extra staff members)

| | |
|--|---|
| 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? | <input type="checkbox"/> Yes <input type="checkbox"/> 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: _____

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: _____

E. Additional information

Maximum time to be spent with marine mammals per individual encounter:

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

Nature of the contact with marine mammals:

Primary purpose

Secondary purpose

Speeds when approaching and viewing marine mammals:

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

Position of vessels relative to marine mammals while viewing:

Distances to each species:

[Redacted]

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

[Redacted]

Behaviour around calves or pups:

[Redacted]

Speed of departure:

[Redacted]

Behaviour of vessel and departure route relative to marine mammals:

[Redacted]

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

[Redacted]

Where applicable, how will groups of kayaks (or similar manually propelled watercraft) be managed in the vicinity of marine mammals?

How kayaks will be positioned relative to each other during approaches and departures:

[Redacted]

How kayaks will be grouped together while viewing:

[Redacted]

F. Educational material

[Redacted]

G. Marine Mammals Protection Regulations 1992

| Tick the following boxes to confirm you will operate in accordance with each of the following behaviours as required under Part 3 of the Marine Mammals Protection Regulations 1992. | Tick |
|--|--------------------------|
| Marine mammals will not be disturbed or harassed | <input type="checkbox"/> |
| Best endeavours will be used to operate the vessel in a way that the normal movement or behaviour of any marine mammal is not disrupted | <input type="checkbox"/> |
| Contact with any marine mammal shall be abandoned at any stage if it becomes or shows signs of becoming disturbed or alarmed | <input type="checkbox"/> |
| Marine mammals are not to be separated from a group of marine mammals, or caused to scatter | <input type="checkbox"/> |

| | |
|--|--------------------------|
| Rubbish or food is not to be thrown near or around any marine mammal | <input type="checkbox"/> |
| No person shall make any loud or disturbing noises around any whale, dolphins or seals | <input type="checkbox"/> |
| No sudden or repeated changes in the speed or direction of the vessel shall be made except in the case of an emergency | <input type="checkbox"/> |
| Where the vessel stops to enable the passengers to watch any marine mammal, the engines are to be either placed in neutral (<i>preferred</i>) or be switched off within a minute of the vessel stopping | <input type="checkbox"/> |
| A person or vessel shall not cut off the path of a marine mammal or prevent a marine mammal from leaving the vicinity of the vessel | <input type="checkbox"/> |
| The skipper of a 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 | <input type="checkbox"/> |
| When departing from the vicinity of any marine mammal, the vessel shall proceed slowly at idle or “no wake” speed until the vessel is at least 300 metres from the nearest marine mammal | <input type="checkbox"/> |
| The vessel is not to approach within 300 metres of any whale, pod of dolphins or herd of seals for the purpose of enabling passengers to view, if the number of vessels or aircraft, already positioned to enable passengers to watch is three or more | <input type="checkbox"/> |
| Where two or more vessels or aircraft approach an unaccompanied whale, dolphin or seal, the skipper concerned shall co-ordinate their approach and manoeuvres | <input type="checkbox"/> |

| | |
|---|-------------|
| Whale specific behaviours Tick that you understand and will operate in accordance with each of the following species-specific behaviours as required under Part 3 of the Marine Mammals Protection Regulations 1992. | Tick |
|---|-------------|

| | |
|--|--------------------------|
| The vessel is not to approach within 50 metres of a whale | <input type="checkbox"/> |
| If a whale approaches the vessel, the skipper 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 | <input type="checkbox"/> |
| The vessel is not to approach within 200 metres of any female baleen or sperm whale that is accompanied by a calf or calves | <input type="checkbox"/> |
| The vessel shall approach a whale from a direction that is parallel and slightly to the rear | <input type="checkbox"/> |

| | |
|---|-------------|
| Dolphin specific behaviours Tick that you understand and will operate in accordance with each of the following species-specific behaviours as required under Part 3 of the Marine Mammals Protection Regulations 1992. | Tick |
|---|-------------|

| | |
|--|--------------------------|
| The vessel 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 | <input type="checkbox"/> |
| The vessel is not to proceed through a pod of dolphins | <input type="checkbox"/> |
| The vessel shall approach a dolphin or pod of dolphins from a direction that is parallel and slightly to the rear | <input type="checkbox"/> |

| | |
|--|--------------------------|
| Swimming specific behaviours Tick that you understand and will operate in accordance with each of the following species-specific behaviours as required under Part 3 of the Marine Mammals Protection Regulations 1992. | Tick |
| Swimmers will not be in the water with juvenile dolphins or a pod that includes juvenile dolphins | <input type="checkbox"/> |
| An airhorn may be used to call swimmers back to the boat or to the shore | <input type="checkbox"/> |

H. Operational best practice based on recommended DOC guidelines

| | |
|---|--------------------------|
| Tick that you understand and will comply with the following conditions relating to seals and sea lions specific behaviours | Tick |
| Not applicable as not applying to view seals and sea lions | <input type="checkbox"/> |
| When seals and sea lions are hauled out on shore or rocks, the vessel will remain 20m or more from water's edge | <input type="checkbox"/> |
| When seals and sea lions are hauled out on shore or rocks, swimmers will remain 5m or more from water's edge. | <input type="checkbox"/> |

| | |
|---|--------------------------|
| Tick that you understand and will comply with the following conditions relating to location specific best practice. <i>You will have been given information on best practice recommendations when you contacted permissionschristchurch@doc.govt.nz prior to making your application. If any location specific best practices apply to your area of operation, attach the relevant schedule.</i> | Tick |
| Not applicable as there is no location specific best practice | <input type="checkbox"/> |
| Location specific best practices for my area of operation are attached and recorded in section 'Q Attachments' | <input type="checkbox"/> |
| All proposed operations will be undertaken in accordance with the best practice guidelines for the area of operation | <input type="checkbox"/> |

| | |
|--|--------------------------|
| Tick that you understand and will comply with the following conditions relating to Manually propelled vessels e.g. kayaks and paddle boards practices. | Tick |
| Not applicable as not operating a manually propelled vessel | <input type="checkbox"/> |
| Up to seven kayaks (or other manually propelled watercraft) are to be grouped closely together* for the purpose of viewing marine mammals <i>*Manually propelled watercraft are to be within two paddle lengths of each other to form 'one distinct vessel'. No vessel (including a group of seven manually propelled vessels) shall approach closer than 300m to a marine mammal if there are already three vessels (including a group of seven manually propelled vessels) or aircraft, or both, present.</i> | <input type="checkbox"/> |
| Kayaks (or other manually propelled watercraft) are not to be banged, or paddles slapped against the water in the presence or marine mammals. | <input type="checkbox"/> |
| No person shall touch a marine mammal | <input type="checkbox"/> |

No person is to chase a marine mammal, instead let the mammal approach the manually propelled watercraft

Where practical the operator's guide is to remain between the clients and any seals or sea lions on shore

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

I. Fees

Processing fees

Section 60B of the Conservation Act contains the statutory provisions regarding processing fees.

The Department recovers all costs to process a transfer of permit regardless of whether the application is approved or declined. If at any stage an application is withdrawn the Department shall invoice for the costs incurred by the Department up to that point.

By signing the Declaration on this form, the Transferee is agreeing to that all costs associated with the processing of this application will be paid.

Paying fees

The Department will ordinarily invoice the applicant for processing fees after a decision has been made on the application, but in some cases interim invoices will be issued.

If you have a purchase order/number from an organisation registered with DOC (required for all Councils) please supply below.

Terms and Conditions for an Account with the Department of Conservation:

Have you held an account with the Department before? (Please tick)

Yes

No

If yes, under what name:

Proposed Transferee Declaration

I certify that the information provided on this application form and attached additional information is to the best of my knowledge, true and correct. If the transfer is approved, I/we agree to abide by the terms and conditions of Permit Number: *****-MAR

Note: The Director-General can vary any permit granted if the information given in this application contains inaccuracies.

In ticking this checklist and placing your name below you are acknowledging that you have read and agreed to these terms and conditions for an account with the Department of Conservation

| Terms and Conditions | Tick |
|--|--------------------------|
| I/We agree that the Department of Conservation can provide my/our details to the Department's credit checking agency to enable it to conduct a full credit check. | <input type="checkbox"/> |
| I/We agree that any change which affects the trading address, legal entity, structure of management or control of the applicant's company (as detailed in this application) will be notified in writing to the Department of Conservation within 7 days of that change becoming effective. | <input type="checkbox"/> |
| I/We agree to notify the Department of Conservation of any disputed charges within 14 days of the date of the invoice. | <input type="checkbox"/> |
| I/We agree to fully pay the Department of Conservation for any invoice received on or before the due date. | <input type="checkbox"/> |
| I/We agree to pay all costs incurred (including interest, legal costs and debt recovery fees) to recover any money owing on this account. | <input type="checkbox"/> |
| I/We agree that the credit account provided by the Department of Conservation may be withdrawn by the Department of Conservation, if any terms and conditions (as above) of the credit account are not met. | <input type="checkbox"/> |
| I/We agree that the Department of Conservation can provide my details to the Department's debt collection agency in the event of non-payment of payable fees. | <input type="checkbox"/> |
| Transferee Signature | Date |
| Transferee Name (of authorised person/s) | |

This application is made pursuant to regulation 14 of the Marine Mammals Protection Regulations 1992. Applicants should familiarise themselves with the relevant regulations of the Marine Mammals Protection Regulations 1992.

The Department may also recover all reasonable costs under s. 60D of the Conservation Act 1987 that are incurred in administering and monitoring the proposed operation, subject to its approval.

In accordance with regulation 10(2) of the Marine Mammals Protection Regulations 1992, this application shall form part of any permit issued and shall be complied with accordingly.

NOTE: When applying for this permit bear in mind that the application will be assessed having regard to the applicable matters in regulations 6 to 9 of the Marine Mammals Protection Regulations 1992. The

matters in regulation 6 are set out below. Further information may be sought from you for this assessment if this application is not completed fully.

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.

The purpose of collecting this information is to enable the Department to process your application. The Department will not use this information for any reason not related to that purpose.

Applicants should be aware that provisions of the Official Information Act might require that some or all information in this application be publicly released.