



**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 BARRETT

Witness Occupation: ADMINISTRATION SUPERVISOR

Witness Address: _____

WHAIRAPARA

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	Fullers Bay of Islands Limited 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 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 2602574, 6666766) in a straight line southeast excluding Kerikeri Inlet to grid 2603164, 6665430, east and southerly along coast to Opuia Wharf, from Opuia Wharf northerly to Papu Point excluding Waikare Inlet, generally north easterly along coast excluding Motuwheke Island, Maunganui 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. 8.00am – 12.00pm 2. 12.30pm – 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	Tutunui (11 metre jet propulsion catamaran, MNZ registration number 105440)

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	(clause 2)	
12.	Maximum number of passengers	35
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)	Phillip John Alexander Robert Blakely Berend – Jam Bogaers Richard Mark Cross Lawrence Hamilton Tamahine Jameson Warren James Johnstone Aaron Jon William Kerr Miles Patrick Morgan Grace Ann Murphy Taira Peters Peter Raymond Sadgrove Bronwyn Angela Skyrme Basil Edward Umuotoa
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)	The Permit Holder's address in New Zealand is: Maritime Building Marsden Road Paikia Phone: 09 4027422 Fax: 09 4027158 Email: charlesp@intercity.co.nz

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

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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. *Kawangley Bay*
The permittee must maintain a register to the satisfaction of the Conservator detailing *inter alia* the time, date, duration and location of 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.

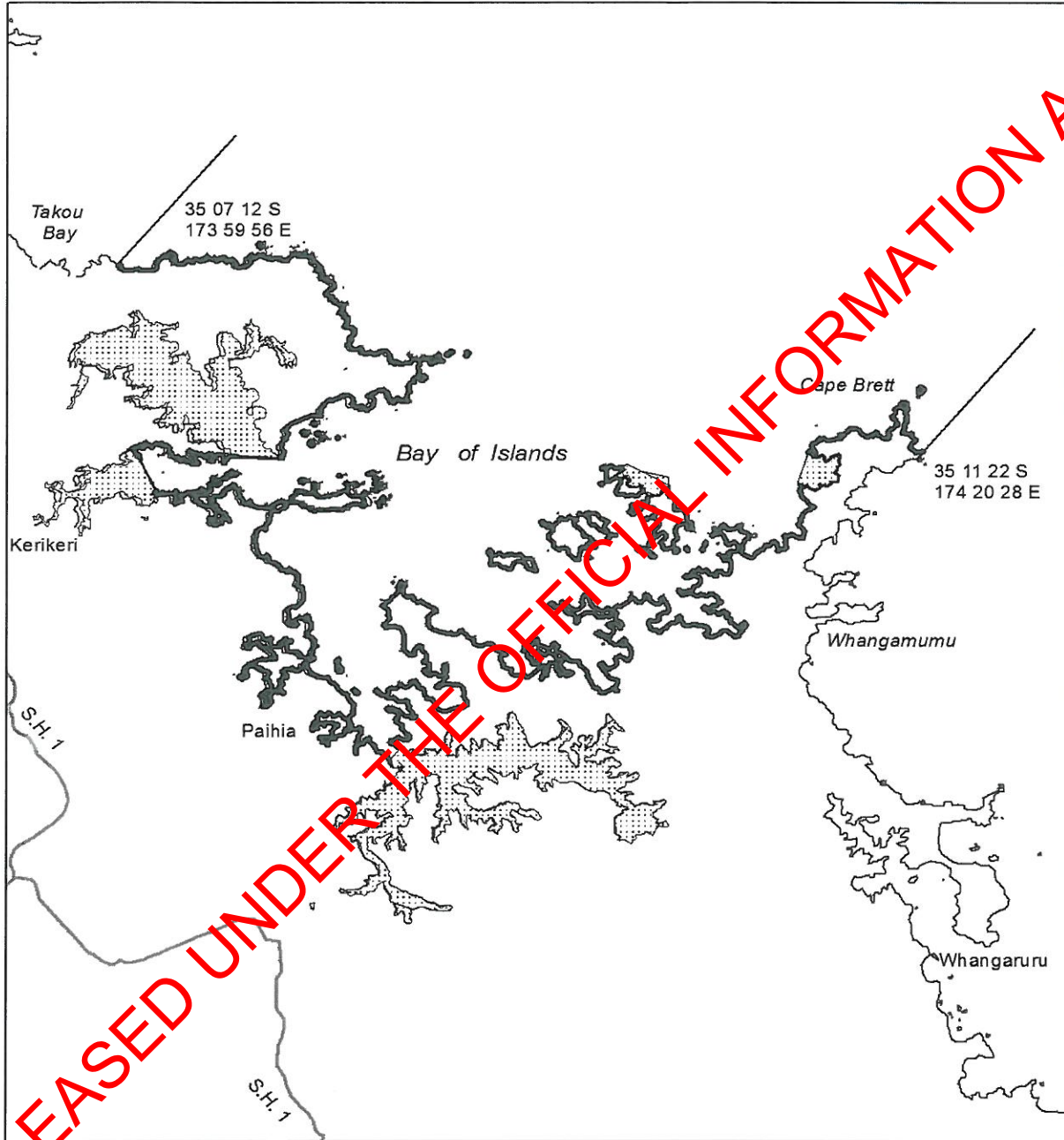
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SCHEDULE 2 B
SPECIAL CONDITIONS

1. This permit replaces the permit issued to Fullers Bay of Islands Limited dated 27 February 2009 and numbered PER/01/70/00, 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



Fullers Bay of Islands Ltd / Fullers Great Sights Bay of Islands

Permit no NO - 32840 - MAR

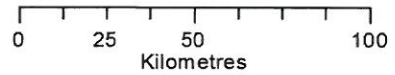
 marine mammal permit exclusion area

 60m exclusion buffer

Prepared Dec 2011

Te Kāwanatanga o Aotearoa

Department of Conservation
Te Papa Mātahiā



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 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.

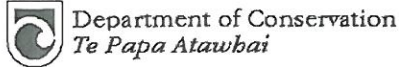
8. Some General Matters

- 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.

SCHEDULE 5
THE APPLICATION



Dept of Conservation
Kerikeri
- 9 Nov 2011

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):
Fullers Bay of Islands Limited

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

Details of proposed operation

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

(a) Total number of boats 1

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

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

Boat 1:
Existing Permit PER/01/70/00
Tutunui - 12.4 Metre Catamaran Terry Bailey Boat builders 1993
2 Six Cylinder Turbo Diesel Engines Hamilton Jet Propulsion 35 Passengers plus 2 Crew

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Boat 2:

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	Talra
Skyrme	Bronwyn
Umuroa	Basil
Sadgrove	Peter
Morgan	Mrs Patrick

(e) Please supply any known information relating to the noise level of each vessel both above and below the sea.
Quiet Vessel due to Hamilton Jet Propulsion and Wet exhaust system above waterline.

We often shut down one or both engines when near marine mammals, depending on conditions and other boat traffic.

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:

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(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)

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:

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:

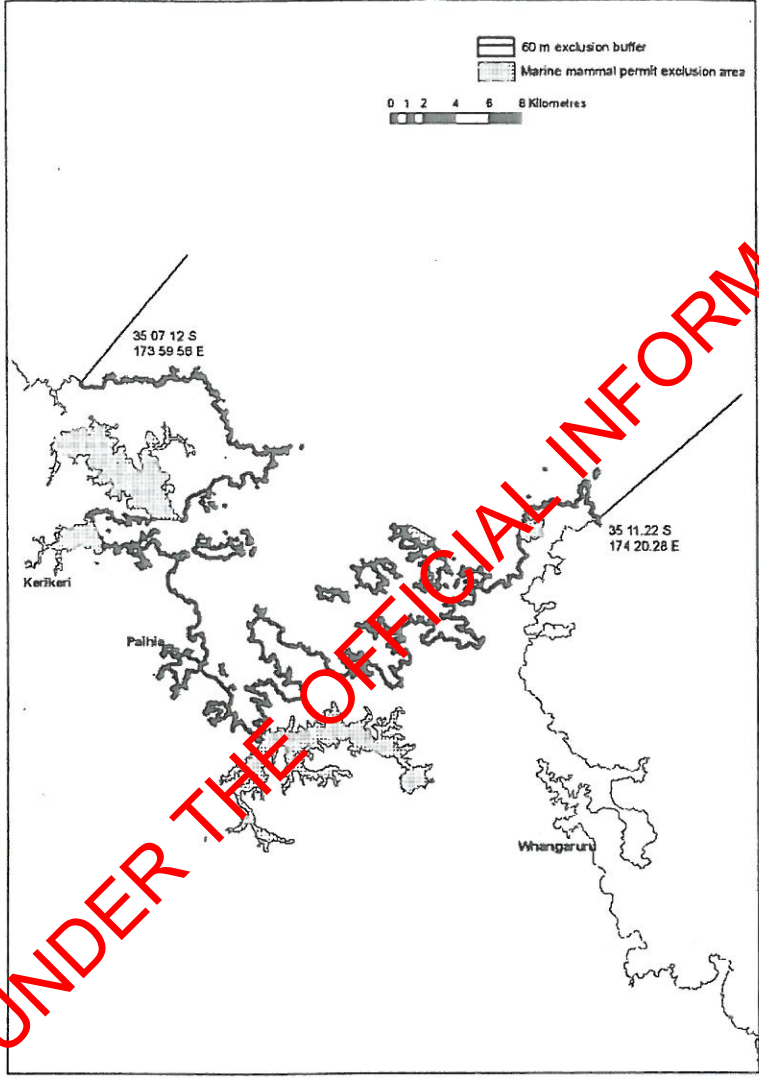
Vehicle 3:

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

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(c) 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 2602574,6666766) in straight line southeast excluding Kerikeri Inlet to grid 2603164, east and southerly along coast to Opua Wharf, from Opua Wharf northerly to Tapu Point excluding Waikare Inlet, generally north easterly along coast excluding Motuwheke Island, Maunganui 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, 6666613); all as delineated on the map attached.

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):

2 Trips 8:00 AM and 12:30PM

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(ii) Duration of trips (should detail total trip duration, and time expected to be spent with marine mammals)
8 – 12 AM and 12:30 – 16:30 PM Each trip is 4 hours long.

Time spent with marine mammals is limited to a maximum of 90 minutes per trip.

Contact with Bottlenose dolphins is limited to a maximum of 50 minutes per trip,

unless the group of dolphins includes calves/juveniles , in this case the contact is limited to a maximum of 30 minutes per trip.

(iii) Time of year:
All year round

(iv) Maximum number of passengers or persons per trip:
35 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 0800/0810 A briefing is given 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. (This includes observing and complying with all statutes and regulations, including the conditions governing commercial marine mammal operations, in particular but not limited to regulations 18-20 inclusive of the

Marine Mammals Protection Regulations 1992)

Normally we begin by travelling on the eastern side of the bay in amongst the main

group of islands (as wind and sea conditions allow) Bottlenose Dolphin are often in this area, we will travel further out in our permitted area if necessary. 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 minutes if calves or juveniles in pod) and let passengers into the water to swim if possible .During the encounter the crew provide information on the dolphin including there 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 Stop-over 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 which is available to the Department of Conservation.
Afternoon trip departs at 1230hrs returning at 1630hrs.

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

YES (go to 12):

NO (go to 11b):

b) ~~if not, please specify~~ those parts of the operation which either create a risk that any significant increase in operation effort, or potential impacts on marine mammals, may require a public notification process):

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:

Fullers Bay of Islands have been successfully and responsibly operating dolphin view/ swim trips in the Bay of Islands since 1993. We have an excellent reputation for quality safety and service. We maintain our own data base of our daily "Dolphin Eco

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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 advanced deckhand Cert.

Floppy is responsible for crew training on the dolphin vessel. Floppy is an active member of "Whaleresue.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 staff of the operators staff who may come into contact with marine mammals (not applicable to shore-based operations):

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 Fullers Bay of Islands being a founding signatory. Fullers Bay of

Islands in conjunction with Intercity Group (NZ) Ltd 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.

Posters and visual displays are available on board giving Dolphin and Whale identification and species information.

We have books on board including :-

* Whales Dolphins and Porpoises by Mark Carwardine

* Field Guide to New Zealand Seabirds by Brian Parkinson

* 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

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these species and how these species interact with us is one of the main educational aspects of this operation.

Printed briefing sheets are available in German, Japanese & Mandarin, Spanish, French, Dutch, Italian.

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

JOHN DUNBURY (GENERAL MANAGER)

P.O. Box 358, PAIHIA

(09) 402 7826 (027) 290 1365

ii). JOHN BOBSON (MANAGER)

PRIVATE BAG 50046 TE ANAU

(02) 222 1275

Signed:



Name:

CU 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

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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 CHARLES WILLIAM PARKER

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

(Full Name[s])

HARDEN RD, PAHIA GENERAL MANAGER

(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 19 2011

Justice of the Peace or
A Solicitor of the High Court
(or 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 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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**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 BOOLE
 Witness Occupation: ADMINISTRATION SUPERVISOR
 Witness Address: 583, S.H. 1,
LIHAKAPARA.

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 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 2602574, 6666766) in a straight line southeast excluding Kerikeri Inlet to grid 2603164, 6665430, east and southerly along coast to Opuia Wharf, from Opuia Wharf northerly to Papu Point excluding Waikare Inlet, generally north easterly along coast excluding Motuwheke Island, Maunganui 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)
7.	Maximum Number of Trips per day (clause 2)	1
8.	Maximum duration of trips	7 hours, between 9.30am – 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 Vessels used to convey passengers (clause 2)	1. Tangaroa III (19.3 metre jet propulsion catamaran, MNZ Registration Number 126290) or 2. Dolphin Seeker (23.38 metre power-driven catamaran, MNZ Registration Number 129343) for

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		<p>scheduled maintenance purposes only</p> <p>Dolphin Seeker may be used for a period of 42 days each calendar year when the vessel Tangaroa III is off the water for scheduled maintenance. The Department must be advised of this period in advance each year.</p>
12.	Maximum number of passengers	Tangaroa III – 165 Dolphin Seeker – 230
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)	Phillip John Alexander Robert Blakely Berend – Jam Bogaers Richard Mark Cross Lawrence Hamilton Tamahine 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
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)	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

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

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SCHEDULE 2 A
SPECIAL CONDITIONS

Department of Conservation
Kerikeri
15 JAN 2013
RECEIVED

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/01/73/00 issued to Intercity Group (NZ) Ltd

(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 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 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 permit³. 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:

(iii) Safety reasons, or

³ swimmers are placed parallel to and slightly ahead of the dolphin's path of travel

1

(iv) 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;
- (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.

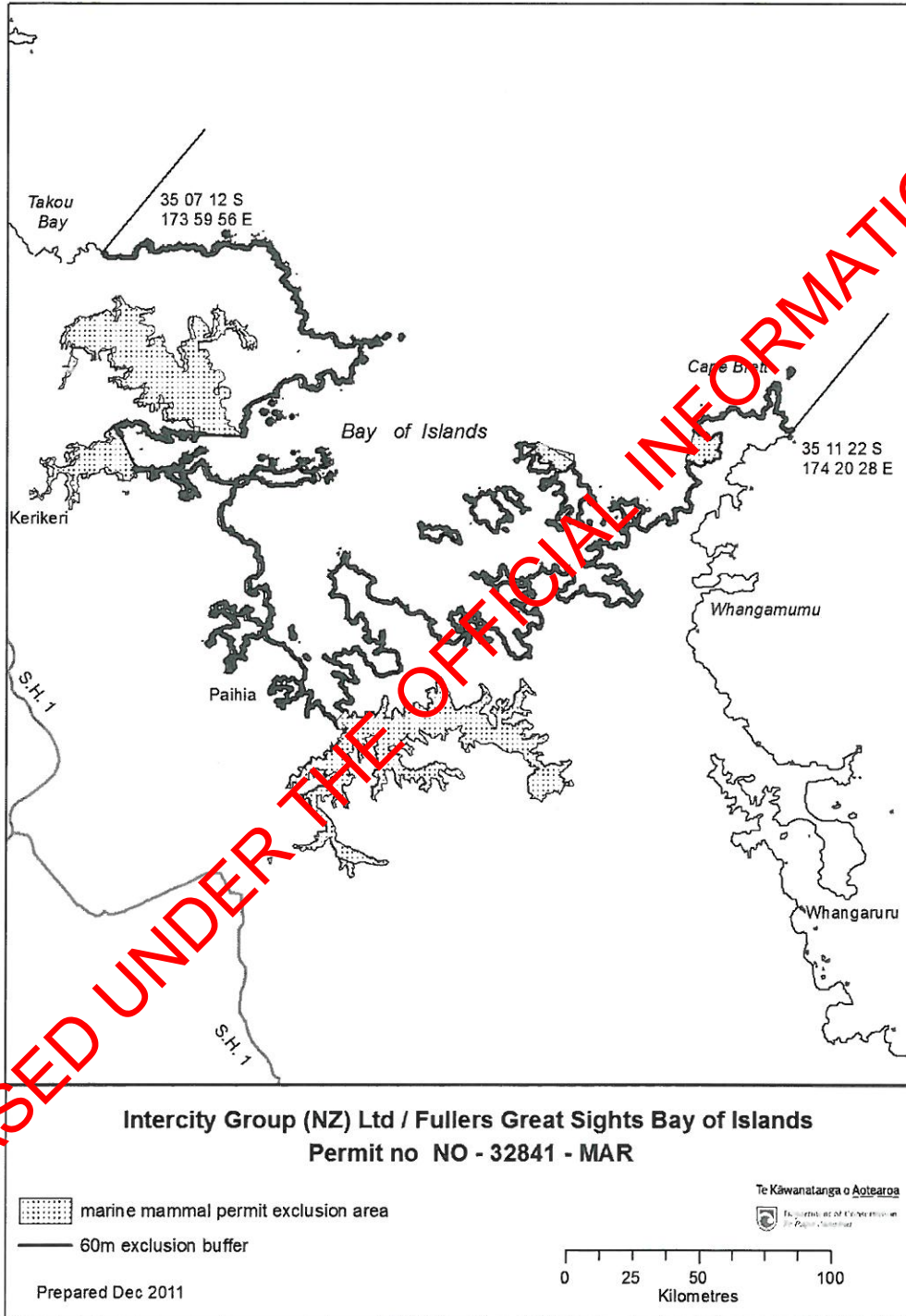
(b) The Conservator must not make requests under this condition with unreasonable frequency and the nature of the requests must be reasonable in their scope.

SCHEDULE 2 B
SPECIAL CONDITIONS

1. This permit replaces the permit issued to issued to Intercity Group (NZ) Ltd dated 27 February 2009 and numbered PER/01/73/00, 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



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	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00

- 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

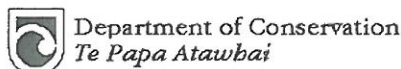
8.1 The Permit Holder must ensure that any Vessel authorised under this Permit prominently displays the permit label issued under the regulation 12 (5) of the Regulations.

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**



Dept of Conservation
Kerikeri

- 9 NOV 2011

RECEIVED

**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.

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

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

c) Postal Address (if different from above)
P O Box 145
Paikia 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:
Tangaroa III 19.3m jet propulsion catamaran with 2 Turbo Diesel engines capable of carrying up to 105 passengers.
Existing Permit PER/01/73/01

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Boat 2:

Dolphin Seeker 23.4 metre power-driven catamaran.

Built by Q West Aluminium Construction. Surveyed for 230 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	Peter
Skyrme	Bronwyn
Umuroa	Basil
Morgan	Miles 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 vessels propulsion is through twin Hamilton Jets reducing the mechanical noise moving parts. The vessel only operate at idle or just above idle when manoeuvring around mammals reducing any noise impact.

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

(a) Total number of aircraft:

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(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)

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:

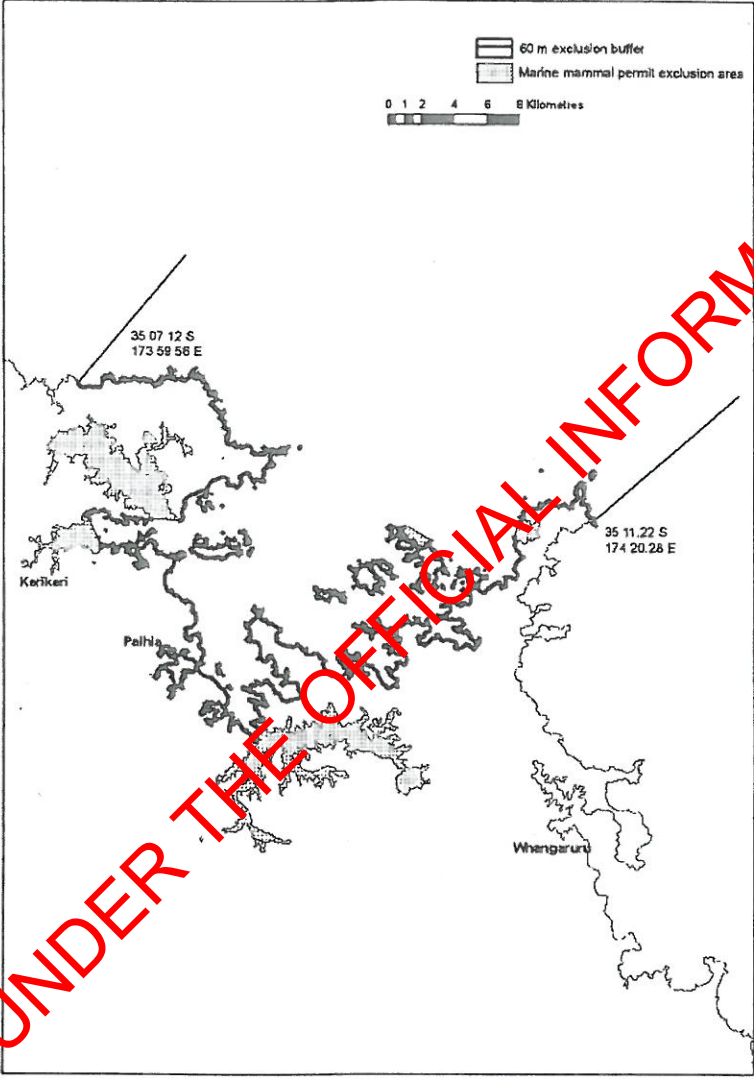
Vehicle 3:

(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 10° Geodetic datum and to the south

by a line from south of Cape Brett (174° 20.28'E, 35° 07.22' 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 2602574,6666766) in straight line southeast excluding

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

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

Motuwheke Island, Manganui 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 2622713, 6665613); all as delineated on the map attached.

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 per day Departing Paihia no earlier than 9:30 AM pick up Russell 9:40 AM and return

no later than 4:15 PM and 4:30 PM respectively.

4

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

Duration of each trip 7 hrs

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

Cetaccan 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

165 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 0930/0940 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 in

habits the area. The trip is promoted as being able to view dolphins and when conditions

permit within the rules and regulations, swim with them.

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As part of the media used to promote this product the cruise highlights are, Swimming with Dolphins, Island stop over for lunch & Island mail deliveries, 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) and let

passengers into the water to swim if possible .During the encounter the crew provide information on the dolphin including there 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

stopover on the island of Urupukapuka for lunch a swim or walk.

We then return to Russell / Paihia

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

Department of Conservation.

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):

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:

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InterCity Group NZ 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 with the company for ten years or more. Both Skippers and Crew attend regular education 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 advanced 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.

15. 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) Ltd 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) Ltd 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:

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 on 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

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Field Guide to New Zealand Seabirds by Brian Parkinson

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

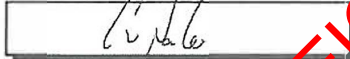
Our passengers personal experience while on this vessel and seeing marine mammals in their own natural environment, seeing how carefully we behave with our vessel when near these species and how these species interact with us is one of the main educational aspects of this operation.

Printed briefing sheets are available in German, Japanese & Mandarin, Spanish, French, Dutch, Italian.

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 358, PAIHIA
(09) 402 7826 (027) 290 1365.
- ii). JOHN ROBSON (MANAGER)
PRIVATE BAG 50046, TE ANAU
(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

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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 CHARLES WILLIAM PARKER

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

(Full Name(s))

HARSDEN RD, PAIHIA

GENERAL MANAGER

(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

[Signature]

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

W. W. C. 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 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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