



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

BBWW501/201903

OPERATING PERMIT TO UNDERTAKE BOAT BASED WHALE AND DOLPHIN WATCHING

Enquiries: Mr G. Popose
Telephone: 021 819 2644

Issued in terms of the Threatened or Protected Marine Species Regulations, 2017 (Government Notice No. 40876 of 30 May 2017), read together with National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) and subject to the conditions attached hereto.

SECTION A

Permit holder	RAGGY CHARTERS
Registration No:	1997/ 036215/ 23
Address	3 ALBATROS SEA VIEW PORT ELIZABETH 6011
Validity period	Date of issue until 30 NOVEMBER 2028
Vessel(s)	MY CHINA DTP 2300 B (W) WINKLE DTP 1992 B
Area of Operation	ALGOA BAY, PORT ELIZABETH
Launch Site	PORT ELIZABETH HARBOUR

Note:

- (1) Permit Holder is prohibited from simultaneous use of permitted vessels for BBWW;
- (2) Permit is issued subject to annual review and to periodic performance monitoring as per condition 1.1;
- (3) This Permit does not authorise undertaking and or advertising offering an experience relating to Sardine Run Tours;
- (4) This Permit allows for approaching a seals and sea birds colony with a vessel closer than 15 meters but not 10 meters in the area of operation;
- (5) This Permit shall automatically become invalid if the SAMSA certificate(s) of the vessel(s) registered on this permit expired;

**CHIEF DIRECTOR
SPECIALIST MONITORING SERVICES**

Department of
Environmental Affairs

25 NOV 2019
DATE
Directorate:
Ocean Conservation Strategies

PERMIT CONDITIONS: BOAT BASED WHALE WATCHING

1. PERFORMANCE MONITORING ELEMENTS

- 1.1 The Permit Holder will be monitored for performance a year after allocation of permit(s) and thereafter every two (2) years.
- 1.2 The Permit Holder will be monitored on the optimal use of the permit and this may include compliance with permit conditions such as submission of log books, submission of electronic data as well as quality of data submitted.
- 1.3 Transformation aspects will be monitored as relating to:
 - (i) Ownership and Management Control profile of the operation;
 - (ii) Skills development and employee training;
 - (iii) Contribution to corporate social investment in the area of operation;
 - (iv) Employment of the local youth and
 - (v) Support provided in Enterprise Development in the BBWW and/or tourism sector.

2. GENERAL CONDITIONS

- 2.1 This permit is issued subject to the provisions and regulations of the following laws:
 - (a) The National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA")(the Act):
 - (i) Threatened or Protected Marine Species Regulations (*Government Gazette* 40876 of 30 May 2017)
 - (b) The Marine Living Resources Act, 1998 (Act No. 18 of 1998) including but not limited to the following regulations:
 - (i) Fishing harbour regulations (GNR 1111 of 2 September 1998);
 - (c) The National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA");
 - (d) The National Environmental Management Protected Areas Act, 2003 (Act No. 57 of 2003) ("NEMPAA");
 - (e) The National Environmental Management Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) including the following regulations:
 - (i) Control of Use of Vehicle in the Coastal Area Regulations (GNR 496 of 27 June 2014);
 - (ii) Management of Public Launch Sites in the Coastal Zone Regulations (GNR 497 of 27 June 2014).
 - (f) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973);
 - (g) The Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986);
 - (h) The South African Maritime Safety Authority, 1998 Act (Act 5 of 1998);
 - (i) Any other applicable legislation.

- 2.2. Any reference to the Permit Holder in these permit conditions includes the entity or person in whose name the boat based whale watching permit is issued ("the Permit Holder"), its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel.
- 2.3. This permit may not be utilised by any other person or entity other than that in whose name the permit is issued and may not be sold, leased or in any other manner transferred to another person or entity. Failure to adhere to this condition may result in withdrawal, suspension or cancellation of the permit.
- 2.4. All Permit Holders and their staff must undergo training on boat based whale watching (BBWW) approaches (See Annexure A). Initial training or workshop will be offered and/or arranged by the Department. However, the Permit Holder must ensure that the tourist guide attends adequate and relevant training appropriate for BBWW and accredited with a CATHSSETA (Culture Arts, Tourism, Hospitality and Sport Sector Education and Training Authority) to support their operations.
- 2.5. The Permit Holder shall adhere to the BBWW Code of Conduct (Annexure A to this permit) as well as the approaching protocols for marine mammals, seals and seabirds.
- 2.6. The Permit Holder is obliged in terms of the Act to report to the Department any perceived breach of permit conditions, provisions of regulations promulgated under the Act or provisions of the Act itself or any other law.
- 2.7. A breach of the provisions of relevant Act(s), regulation(s) or these permit conditions by the Permit Holder will result in the initiation of legal proceedings and/or withdrawal of the permit. A breach of provisions includes but are not limited to:
- (a) furnishing information in their application for the permit or other information to which the Department of Environmental Affairs (the Department) is entitled, which is not true or complete;
 - (b) contravening or failing to comply with a permit condition or with the provisions of the Act;
 - (c) being convicted of an offence in terms of the Act; or
 - (d) failing to effectively utilise the permit.
- 2.8. The Department may refuse to re-issue a subsequent permit should the conditions stipulated in this permit not be adhered to, subsequent to providing the Permit Holder with 7 (seven) working days to make written representations to the Department.
- 2.9. Notwithstanding the provisions of paragraphs 2.3, 2.14.1 and 2.14.2, the Permit Holder may make written representations to the Department within 7 (seven) working days of the Department notifying them of the intention to amend, cancel or suspend the permit.
- 2.10. No vehicle may be used in the coastal zone in terms of this permit unless the Permit Holder is in possession of a valid permit to use a vehicle in the coastal zone in terms of the Regulations for the Control of Use of Vehicles in the Coastal Zone (GNR 496 of 27 June 2014).
- 2.11. The Chief Director: Specialist Monitoring Services shall be entitled to amend these permit conditions after consultation with the Permit Holder.
- 2.12. The Department and/or its employees is indemnified against all costs and liabilities arising from the Permit Holder undertaking the permitted activity in terms of this permit. This indemnity shall apply to any claims by the Permit Holder for their injury or death while carrying out the permitted activity and include loss or damage to the Permit Holder's property and personal effects.

2.13. Mandatory Documents

- 2.13.1. The Permit Holder shall hold at its registered place of business the original permit. The Permit Holder shall at all times over the duration of the permit have available a valid true certified copy of this permit on board each vessel utilised for boat based whale watching.
- 2.13.2. The Permit Holder shall not perform any boat based whale watching (BBWW) activity or operation without having the mandatory Public Liability Insurance Cover, which shall include comprehensive cover for all land and sea-based activities relating to BBWW operations.
- 2.13.3. The Permit Holder shall ensure that all the terms and conditions of their 'Public Liability Insurance cover' are not violated. The Department reserves the right to randomly contact the insurance provider listed under the Permit Holder's profile for ensuring compliance.
- 2.13.4. The Permit Holder shall prominently display on the BBWW vessel an emergency flow chart, emergency phone numbers and procedures to be followed in the case of an emergency and non-compliance of operating procedures. A crew member with a valid first aid training shall be on board the vessel during all BBWW operations.

2.14. Transformation

- 2.14.1. If the BEE contributor level and/or the female transformation profile of the Permit Holder as assessed by the Department at the time of allocation of this BBWW permit changes (such change resulting in a decrease in the score awarded by the Department for transformation) at any time, the Department must immediately be notified in writing of such changes and the Department reserves the right to cancel, suspend or revoke this permit.
- 2.14.2. Permit holders are encouraged to retain or improve their current transformation profile over the 10 (ten) year (annually renewable) permit period as this will be evaluated as per paragraph 1 above. Failure to show a consistent, incremental and significant improvement in the Permit Holder's transformation profile, could result in such permit not being issued after the current permitting period.

2.15. Communications regarding all permits must be addressed to the Department clearly marked **Permits**, and for Logbooks marked **Logbooks**.

<p><u>For all industry management, compliance and permit related enquiries:</u></p> <p><u>By mail and by hand:</u> Oceans Conservation Strategies, DEA Shed 2, East Pier Road V&A Waterfront Cape Town 8002</p> <p><u>By telephone:</u> 021 8192510/2644/2411</p> <p><u>By email:</u> bbww@environment.gov.za Compliance@environment.gov.za</p>	<p><u>For submission of logbooks:</u></p> <p><u>By hand (Monthly Pre-Arrangement) E-mail:</u> LSwart@environment.gov.za Lize Swart, 2nd Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town</p> <p><u>By registered mail:</u> Lize Swart (2nd floor, Foretrust Building) Private Bag X4390, Cape Town, 8000</p>	<p><u>For marine mammals in distress:</u> Mduduzi Seakamela at 021 819 5049 or <u>0727810968</u></p>
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3. SUBMISSION OF INFORMATION

3.1 The Permit Holder must submit to the Department:

- (a) Notification (clearly marked **Permit Holder Information**) of any change of contact details (including postal address and contact telephone numbers) within 30 (thirty) days of such change;
- (b) Logbooks (performance statistics) as stipulated in paragraph 4 below.
- (c) Any application for vessel change (which is not stipulated in the front of the permit) must be submitted to the Department prior to the use of such vessel, together with the required SAMSA certificate certifying the vessel as appropriate for its purpose.

3.2 The Permit Holder must provide any other environmental, economic, socio economic or financial information in the format as requested by the Department.

3.3 Client Research Support and Participation:

3.3.1 The Department acknowledges that ideal conservation status of all whales and dolphins is critical to the success of this industry. The Permit Holder shall encourage clients to contribute to the Department's conservation management and research initiatives by submitting underneath tail shots/photos of humpback whales and head shots/photos (focusing on callosity patterns) of southern right whales. Any other interesting observations (unknown species, behaviour, etc.) should be emailed to iswart@environment.gov.za and copy smseakamela@environment.gov.za and should be included in the logbooks as well.

4. EFFORT STATISTICS

4.1 The original duly completed and signed BBWW daily Logsheets must be submitted to the Department in the Logbooks on a monthly basis either by hand or by registered mail (marked as Boat Based Whale Watching **Logsheets** (Effort Statistics), Department of Environmental Affairs, (2nd Floor, Foretrust Building), Private Bag X4390, Cape Town_8000, Attention Ms Lieze Swart), to reach the Department on or before the 15th of the following month. Excel spreadsheets (email: LSwart@environment.gov.za) need to be completed with logbook data and both are to reach the Department on or before the 15th of the following month. If the Permit Holder has not gone to sea for a particular month then a nil return must be submitted (via an email) to the Department on or before the 15th of the following month. Failure to report effort statistics, including "nil return" will be considered non-compliance.

4.2. The current BBWW Daily Logbooks must be kept on board the vessel during viewing operations and the relevant information entered before the end of each trip.

5. BOAT BASED WHALE WATCHING AREAS

5.1. The permit for the designated area (within the detailed coordinates provided in Annexure 'B' to this permit) is valid only for BBWW operations within the designated area specified on the permit and as specified in Annexure 'B' hereto and may not be utilised in any other area.

5.2. Should the Permit Holder want to do any other activity not permitted in this permit, the Permit Holder must apply for an additional permit.

5.3. The Permit Holder shall not anchor the vessel during a BBWW trip.

- 5.4. BBWW Vessels may only use authorised launch or mooring facilities within the designated area unless problems with launching in the designated area are experienced due to conditions at spring low tides and then the Permit Holder should notify the Department of the intent to launch the vessel at the closest authorised launching facility/harbour, but shall not undertake BBWW activities within such other areas (including approaching whales closer than 300m).
- 5.5. Notification should be sent to the Department by email at bbww@environment.gov.za or by telephone 021 8192510/2644.

6. VESSEL MONITORING SYSTEM (VMS)

- 6.1 Permit Holder shall ensure that their registered vessel must be fitted with a functioning Vessel Monitoring System (VMS) logging Global Positioning System (GPS) prior to leaving the harbour/launch facility.
- 6.2 The Department reserves the right to remotely monitor vessel movements and activities.
- 6.3 Permit Holder shall ensure that it electronically keep a daily vessel trip track and submit such with their log books on a monthly basis. Failure to submit these shall be noted as non-compliance.
- 6.4 Daily vessel trip tracks shall include time of departure and return to the harbour/launching facility.
- 6.5 Tampering with the vessel trip tracks before submission is considered falsifying information and is considered non-compliance with permit conditions.
- 6.6 Should the VMS equipment not be operational or transmitting for any reason whatsoever, the Permit Holder or skipper shall immediately report the nature of the problem by email to the Department at bbww@environment.gov.za. Should the problem persist for more than 6 (six) hours, the vessel shall immediately return to land to have the equipment repaired.

7. SPECIFICATIONS FOR APPROVED VESSELS

- 7.1 The vessel name/s and DT number/s on this permit shall be displayed as required by the Department of Transport: Marine Notice No. 11 of 2008.
- 7.2 The vessel marking shall comply with SAMSA standard markings for whale watching vessels with letter "W" placed in brackets after the DT number/s. e.g DTC 1371 D [W], denoting (Port)(Number)(Category)[Special Marking].
- 7.3 The Permit Holder shall not use any other vessel to undertake BBWW activities, unless it bears the registration letters and numbers assigned thereto by the SAMSA. Such letters and numbers shall be painted in white on a black background or in black on a white background on both sides of the vessel's bow in characters not less than 15 cm in height, 10 cm in breadth (figure "1" excepted) and 2 cm in thickness (width of stroke). The space between adjacent letters and figures shall be between 2 cm and 5 cm.
- 7.4 The Permit Holder may certify and register two BBWW vessels for use with the Department, but will only be allowed to operate one of these vessels at sea at any given time.
- 7.5 The Permit Holder shall not utilise any additional vessels for any purposes (other than the vessel/s specified on the first page of this permit and then only one vessel at any one time), or allow such additional vessels to tie, anchor or lie within 300m of the Permit Holder's authorised BBWW vessel during any BBWW trip without prior written permission of the Chief Director: Specialist Monitoring Services, except where passengers on an authorised BBWW vessel need to be transferred off the authorised BBWW vessel for

emergency purposes, including medical reasons or safety of life at sea. Such emergencies shall be reported to the Department (bbww@environment.gov.za) within 5 (five) working days following the incident

- 7.6 The Permit Holder shall ensure that their authorised vessel/s and all other aspects of its operations, conform to all the requirements of the South African Maritime Safety Authority (SAMSA) regulations and that it is licensed appropriately by SAMSA for BBWW activities.
- 7.7 The Permit Holder may not utilise any other vessel for its operations other than those specified in Section A of the permit. The Permit Holder shall not transfer, temporarily substitute or replace the vessel/s mentioned in section A of this permit without the prior approval of the Chief Director: Specialist Monitoring Services and without submitting to the Department a SAMSA vessel certificate for the replacement vessel.
- 7.8 The Permit Holder shall ensure that the vessel never carries more persons than the number for which it is certified by SAMSA.
- 7.9 The Permit Holder shall immediately notify the Department if it ceases operations for any reason for any period of time (during the BBWW season) and shall similarly immediately notify the Department if it does not have access to a suitable vessel for its BBWW operations.

7.10 Prohibitions

- 7.10.1. Fishing and the removal or disturbance of any flora and fauna from vessels being used for BBWW is prohibited.
- 7.10.2. The BBWW vessel is not allowed to carry fishing gear on board.
- 7.10.3. The BBWW vessel shall adhere to all regulations and other rules in place for the proper and safe management of boating within the designated Area.
- 7.10.4. No professional and/or commercial filming may take place under this permit; a separate filming permit is required.
- 7.10.5. No diving with whales, dolphin, or any top predator (marine mammals, sharks and turtles) is permitted in terms of this permit.

8. EFFORT LIMITATIONS, MEASURES, RESTRICTIONS AND CONTROLS

- 8.1 The Permit Holder shall ensure that an adequate education service is provided to all clients/passengers and shall ensure that such education service incorporates material provided by the relevant association.
- 8.2 A tour guide registered in terms of the provisions of the relevant legislations must be present on board the vessel during any BBWW operation.
- 8.3 No scientific research or monitoring (apart from the required photography from the BBWW vessel) shall be undertaken from BBWW vessels without obtaining prior written permission in terms of Section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act from the Department. This includes the deployment from the vessel, or the attachment to whales or dolphins of any instruments, tags or other devices. No tissue samples shall be taken from any whale or dolphin without prior written permission. Should the Permit Holder fail to adhere to the above condition, the Department may confiscate the unauthorised equipment and institute any other civil or criminal proceedings against the Permit Holder.
- 8.4 The Permit Holder shall prominently display on the vessel the information contained in this permit and make sure that it is brought to the attention of its clients.

9. EFFECTS OF BBWW

- 9.1. No BBWW vessel shall approach any seal or seabird colony closer than 15 metres and in particular care must be taken to reduce noise pollution when the vessel is close to such colonies.
- 9.2. The Permit Holder must safely store all waste material (including cigarette butts), garbage, and pollutants on board the vessel and may not dump or discharge any such material into the sea or into a harbour other than into approved reception facilities in a harbour.

10. OBSERVER PROGRAMME

- 10.1. The Department may require the Permit Holder to carry one or more Observers on board its vessel.
- 10.2. The Observer shall be fully accommodated on board the vessel and provided with necessary facilities.
- 10.3. A Permit Holder may not hinder the duties and functions of the Observer.

11. VALIDITY OF PERMIT

- 11.1. This Permit shall automatically expire and/or be invalid should the permit allocated be cancelled in terms of the Regulation 51.
- 11.2. The validity period of this permit may be affected by section 93B(1) of the Act.
- 11.3. This permit shall automatically expire and be invalid should the permit allocated be cancelled in terms of section 93 of the Act.

ANNEXURE A

GENERAL CODE OF CONDUCT

1. All clients shall be briefed on all safety procedures before going to sea, including:
 - 1.1 General description of events for the day.
 - 1.2 Boat safety – do's, don'ts and review of safety equipment and emergency procedures, rules regarding smoking and the prohibition of alcohol.
 - 1.3 Weather conditions of the day.
 - 1.4 Realistic expectation of seeing whales.
 - 1.5 Refund policy (if any).
2. The Permit Holder shall, in order to prevent unrealistic expectations, make available to their marketers and clients before they book, the following information:
 - 2.1. Description of likely weather conditions to be expected during the period for which the booking will be made.
 - 2.2. Statistical information on the probability of seeing whales and dolphins the period for which the booking will be made.
 - 2.3. General information explaining that whale and dolphins sightings can never be guaranteed.
3. The Permit Holder shall ensure at all times that their activity or operation does not interfere/disturb/harass seabirds and marine mammals.
4. The Permit Holder shall operate in weather conditions appropriate for BBWW with due regard to the relevant laws in respect of sea conditions and safety.
5. The Permit Holder shall inform the nominated land based safety officer or beach/harbour control before going to sea and after their return and provide information such as number of people on board and expected duration of trip, and that they should stay in continuous radio or cell phone contact while at sea.
6. As a minimum requirement there shall be no smoking within 50 meters of a seal or seabird colony or when whales are approached to a distance of $\leq 50\text{m}$. The skipper shall announce this restriction when providing information in terms of approach protocol at the beginning of the trip and again when it is in force.
7. The Permit Holder shall be responsible for the behaviour of all passengers and crew. No alcohol shall be sold or consumed during BBWW trips.
8. Sightings of entangled cetaceans, turtles, seabirds or seals shall immediately be reported to Branch: Oceans and Coasts (Contact person: Mdu Seakamela – 0825787617). If possible, the animal should be photographed and a stand-by vessel should be arranged to keep the animal in sight until help arrives.

MARINE MAMMAL APPROACH PROTOCOLS

1. WHALES

For the purposes of this permit the term 'whale' shall include "Blackfish" which includes the larger delphinid species including among others killer whales or Orca, pilot whale, melon headed whale, pygmy killer whale and false killer whales.

A. Standard approach protocols

- (i) The vessel must proceed at a slow "no wake" speed when operating within 300 m of any whale including approaches and departures.
- (ii) The vessel must proceed at less than 10 knots avoiding sudden changes of speed or direction when operating between 300 - 500 m from whales.
- (iii) The vessel shall not approach any whale closer than 50 m but the whale may be allowed to approach the vessel closer than 50m out of its own accord. The permit holders shall not allow vessels to drift closer than 50 m to the whale due to wind, currents or forward movement.
- (iv) If the vessel is within 300 m of a whale all efforts should be made to limit noise with motors at near idling speed ("no wake speed"). No person shall make any loud or disturbing noise.
- (v) The Permit Holder shall ensure that its echo-sounders remains either switched off or on within 300 m of a cetacean. The playing of any underwater sounds or acoustics either on the vessel or under the water (e.g. whale, dolphin or seal vocalisation) is prohibited.
- (vi) Whales shall not be encircled, separated from other animals, or the vessel placed within the middle of a group of whales.
- (vii) All approaches shall be made parallel with the whale, from the side and not directly from the rear or head of the whale.
- (viii) No whale cow-calf pairs shall be approached closer than 300m. Should this accidentally occur the vessel must leave the area immediately at a constant slow "no wake" speed.
- (ix) The Permit Holder shall not allow any person to touch or to attempt to touch or feed any animal, including seabirds and seals.
- (x) At a distance of 50 m (close contact) from the whale the permit holder must:
 - Either proceed parallel to the whale at "no wake" speed or place the engine in neutral.
 - Avoid the continuous engagement and disengagement of the propellers to remain on station.
 - Permit the whale to control and guide the nature and duration of the interaction and the whale may of its own accord approach the vessel closer than 50 m as long as no effort is made by the vessel to move closer to the whale.
 - Closely monitor all whales around the vessel.
 - Limit the duration of the close contact (at 50 m) to a maximum of 20 minutes.
 - At the end of the close contact proceeds in a straight slow course away from the whale.
- (xi) Contact with or approach to any cetacean at sea shall immediately be abandoned if one or more of the following behaviours occurs as this suggest harassment of the animal:
 - Rapid changes in the speed and direction of movement of the animal(s).
 - Escape tactics such as prolonged diving, underwater course changes or underwater exhalations.
 - Evasive swimming patterns such as rapid swimming at the surface.
 - Changes in respiration patterns.
 - Surface behaviour such as tail slashes, tail slaps and flipper slaps.
- (xii) If the whale flukes (dives), the propellers must be disengaged until the whale resurfaces.

- (xiii) Time spent within 300 m of a whale shall not exceed 30 minutes.
- (xiv) The same individual or group of whales shall not be revisited more than twice a day by the same operator.
- (xv) The duration between revisits to the same whale or group of whales shall be a minimum of three hours.
- (xvi) There must be no rapid changes in direction or speed of the vessel within 300m of a whale.
- (xvii) If the whale, other than southern right whales, keeps on moving, the vessel may follow parallel to the whale keeping at a distance of 50 m, slightly to the side and not directly in the front or the rear. During the contact with the vessel shall not exceed the speed of the whale, the duration of the contact shall not exceed 20 minutes and the disengagement shall be directly away from the whale.

B. Areas with more than one permitted BBWW vessel

Standard approach protocols (see above(1A)) shall apply with the following exceptions and additions:

- (i) Permitted vessels shall before they go to sea contact other permitted vessels in the same area to coordinate viewing activities. While at sea all permitted vessels must remain in contact with each other.
- (ii) If more than one vessel approaches a whale the following shall apply:
 - Where two or more vessels approaches or are in contact with the same whale, the vessels shall coordinate their approach and manoeuvres using either their VHF radio or cell phone to communicate.
 - The first permitted vessel (primary vessel) to arrive shall follow standard approach protocols (see above in 1a).
 - The second vessel (secondary vessel) to arrive shall wait at a distance >200m from the whale (stand by zone) while the primary vessel is approaching or in close contact with the whale.
 - The secondary vessel in the standby zone must remain to the side or behind the whales.
 - The secondary vessel shall only approach the whale following standard approach protocols (see above in 1a) after the primary vessel has broken off contact and is 200 m distance from the whale.
- (iii) In the case of moving whales (other than southern right whales), if there is more than one vessel following the same whale the duration of contact time shall be reduced to 15 minutes for each vessel.

2. DOLPHINS

A. Standard approach protocols

1. The vessel approaching dolphins must proceed at less than 10 knots between 50 and 100 m from dolphins.
2. The vessel is only allowed to approach dolphins up to a distance of 25 m (50 m for humpback dolphins) (close contact).
3. The Permit Holder shall allow the dolphin to control the nature and duration of the interaction and the dolphin may of its own accord approach the vessel closer than 25 m, including bow-riding, as long as the vessel keeps its course.
4. No vessel shall exceed the speed of the slowest moving dolphin within 25 m of the dolphins.
5. The vessel shall avoid sudden changes of speed or direction when in close contact with the dolphins.
6. No vessel shall proceed directly through a school of dolphins.
7. Females with calves shall not be approached closer than 50m or pursued unless they approach the vessel to bow-ride.
8. Time spent within close contact (at 25 m) of dolphins shall not exceed 20 minutes.
9. Vessels disengaging contact with dolphins must increase speed gradually and shall not exceed 10 knots within 300 m of any dolphin.

10. If the vessel is within 300 m of a dolphin all efforts shall be made to be quiet. No person shall make any loud or disturbing noise.
11. The duration between revisits to the same humpback dolphins shall be a minimum of three hours for each permitted vessel.

B. Areas with more than one permitted vessel

Standard approach protocols (see above (2A)) shall apply with the following exceptions and additions:

1. Permitted vessels shall before they go to sea contact other permitted vessels in the same area to coordinate viewing activities. While at sea all permitted vessels must remain in contact with each other.
2. If more than one vessel approaches dolphins the following shall apply:
 - Where two or more vessels approaches or are in contact with the same dolphins, the vessels shall co-ordinate their approach and manoeuvres using either their VHF radio or cell phone to communicate.
 - The first permitted vessel (primary vessel) to arrive shall follow standard approach protocols (see above in 2a).
 - The second vessel (secondary vessel) to arrive shall wait at a distance >100m from the dolphins (stand by zone) while the primary vessel is approaching or in close contact with the dolphins.
 - The secondary vessel in the standby zone must remain to the side or behind the dolphins.
 - The secondary vessel shall only approach the dolphins following standard approach protocols (see above in 2a) after the primary vessel has broken off contact and is 100 m distance from the dolphins.

3. SEALS AND SEABIRDS

A. Standard approach protocols which apply if a Permit Holder comes into contact with seals and seabirds during BBWW operations

1. The vessel must proceed at no wake speed when within 15m from seal and seabird colonies (close contact).
2. Seals and seabirds in the water may only be approached to a distance of not closer than 10m. Seal and seabird colonies may not be approached closer than 15m.
3. If the vessel stops to view seals and seabirds in the water then the engine propeller must not be engaged until the end of contact.
4. The vessel shall avoid sudden changes of speed or direction when in close contact with seals and seabirds.
5. Seal and seabird colonies must be approached from down-wind if the colonies topography and safety allows such an approach.
6. If the vessel is in close contact with seals and seabirds all efforts shall be made to limit noise. No person shall make any loud or disturbing noise within 100 m of seals and seabirds. **Particular care must be taken during the breeding season.**
7. Time spent with seals and seabirds within close contact is restricted to 20 minutes.
8. Contact with or approaches to any seal or seabird colony should immediately be abandoned if one or more of the following behaviours occurs which suggest harassment:
 - A substantial proportion of individuals raise their heads and stare at the vessel.
 - Some of the seals hurriedly enter the water or some seabirds fly-off.
 - If a number of seals move closer to the waters edge or some seabirds are leaving their nests.

- Increased vocalizations and aggression amongst surrounding animals to each other.

Report abuse, transgression and illegal activities to the Department at email address bbww@environment.gov.za or telephone 021 819 2644/2510/0218148046/Environmental Crimes: 0800 205 005/ DEA call centre +27 86 111 2468

ANNEXURE B

- The Permit Holder shall not enter a closed area where vessels are not allowed or where whales and dolphin watching is prohibited.
- The Designated Area of Operation for the Two (2) Permit Holders for Algoa Bay, Port Elizabeth are valid only for BBWW operations as specified below:

Port Elizabeth Area	Cape Recife (Western boundary) due south	34° 01.731'S	25° 42.042'E
	Woody Cape (Eastern boundary) due south	33° 45. 935'S	26° 20.016'E

END



