



# Statement

Section 82 Criminal Procedure Act 2011

Name s.9(2)(a)

Address s.9(2)(a)

PHM s.9(2)(a)

Email s.9(2)(a)

Occupation s.9(2)(a) - Marine Mammal Ecology

**s.9(2)(a)**

**s.9(2)(a)**

Witness initials



s.9(2)(a)

From 16 March 2023 until 19 March 2023 I was assisting with the implementation of a Marine Mammal Management Plan for Sail GP in Lyttleton.

s.9(2)(a)

My role during the event was originally going to be based inside the control room. However, we decided we needed specialist advice on the water, and my role was to coordinate the on-water visuals. I also provided radio reports back to the control room.

As a result, I was based on the lead dolphin observer boat throughout the event. This boat was named 'Seacleaners' and was easily recognisable due to the two green kayaks on the roof. The crew consisted of the skipper, s.9(2)(a) a first mate (sorry I've forgotten her name) and another volunteer dolphin observer, s.9(2)(a).

Our role on this boat was twofold: 1) to coordinate all of the various dolphin sightings and prioritise which stations were to track and 2) to follow / stay with any group of dolphins that entered into Zone 3 and was heading in a direction towards Zone 4 and the race area.

On Sunday 19 March at around 4pm we were tracking two Hector's dolphins immediately before the final race. This was a mother and smaller juvenile (at least one-year-old or older). These two were playing on the surface and wave surfing. They were relatively easy to track as they remained on the surface.

My vessel (Seacleaners) was tracking these animals in Zone 3 as the race commenced. As the group was proceeding quickly towards Zone 4, we radioed in the other 2 dolphin boats (Boat 2 and Boat3) to help us keep visual track of the group.

We were able to diligently track these dolphins. Earlier on the same day, we had a great deal of trouble tracking another pod, as they were diving a lot. This pod however, was quite easy to follow.

As the race started the two dolphins moved toward the racecourse. I could not tell you where we were specifically located in the Harbour, other than we were progressing along near the reclamation and breakwaters. The zone 4 and racecourse had all been shortened by 100m, so all I know is we were somewhere off West Point near the boundary of zone 3/4.



Department of  
Conservation  
*Te Papa Atawhai*

I knew the race was underway and the dolphins were moving toward the course. My focus was on not losing visual sight of the group and as such, I was coordinating our observer boats between the upcoming race course and the dolphins.

s.9(2)(a) the skipper on our boat did comment about the racing yachts ('The yachts are still racing this way!'). I told them to concentrate on keeping track of the dolphins and keeping us between them and not to watch the race. I did not see the yachts coming myself so don't know how close they got. From memory, I'd estimate the dolphins were about 50 m or so from our boat to the east / north-east. The boats weren't close enough to yell instructions between as I had to use the radios.

Around the time the racing yachts came by, the dolphins were past the breakwaters and in what had formerly been Zone 4. My boat was close to several Sail GP boats and a boat / platform that looked like it had a time clock or screen with numbers. The dolphin group never got next to these Sail GP vessels nor passed by them until after we were told the race had finished. Instead, a jet ski came between all of us and the dolphins seemed to be interested in it so we encourage the jet ski to go back towards the breakwaters and Zone 3. The dolphins briefly followed it but stopped. At that point, I asked Boat 2 to slowly move toward the container ship and an area we were calling the 'pocket' – a dead-end area between breakwater and where container ships tied up. The dolphins and Boat 2 were slowly progressing that direction when they called over the radios that the race was finished.

I believe the following screenshot from race footage is very close to the time that our skipper made the comment about the yachts still racing. Our boat 'Seacleaners' is circled at the bottom. At that time, the other 2 boats (we used Boat 2 and Boat 3 for their names) were on either side of the dolphins and the animals were bowriding on Boat 2. I can't see either of these boats in the image so they must be just to the bottom / below my boat (and out of sight on the photo) and over to the right / starboard of our position and more inline or slightly right of the boat to our right.

I remember our boat was in the process of quickly turning back around (in the photo you can see our wake to the right) so that we could get into a perpendicular position and ahead of where the dolphins and other boats were heading. s.9(2)(a) made that comment as we spun around and he saw the yachts racing, while myself and the other observer were at the bow of the vessel looking back behind us to the right to make sure we didn't lose visual contact with the dolphins.



I was watching the two dolphins and continuously communicating their location (which observer boat they were closest to) and movement back to s.9(2)(a) who was the Hector's Dolphin Observer manager based in the control room. I understand that all of our UHF radio communications were recorded and being kept by Sail GP.

I was also aware that our vessel 'Seacleaners' had a GPS tracker on board which meant that the control room could see exactly where we were as tracking of our vessels was live and displayed on computer screens in the control room (I'm unsure if the tracking data was recorded forever).

Released under the Official Information Act



Department of Conservation  
Te Papa Atawhai

Everything in this statement is true to the best of my knowledge and belief. It has been made by me knowing that it may be admitted as evidence in court and that I may be prosecuted for perjury for making a statement known to me to be false and intended by me to mislead.

Signature: **s.9(2)(a)** \_\_\_\_\_

Date: 21 April 2023

Date statement finished: \_\_\_\_\_ Time: \_\_\_\_\_

**Statement taken by:** Compliance Officer Marlous HENS  
 \_\_\_\_\_  
 Signature \_\_\_\_\_ Date 19/03/23 – 24/04/2023 \_\_\_\_\_  
 Date \_\_\_\_\_ Time \_\_\_\_\_

**Statement witnessed by:** \_\_\_\_\_  
 (if different from above)  
 \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Released under the Official Information Act

**s.9(2)(a)**

Witness initials

Released under the Official Information Act