

**MINUTES OF A SPECIAL MEETING
OF THE BOARD OF PARKS AND RECREATION
HELD IN THE PARK BOARD OFFICE
ON WEDNESDAY, APRIL 10, 1996 AT 7:10 P.M.**

PRESENT: Chair - David Chesman
Vice-Chair - Alan Fetherstonhaugh
Commissioners - Allan DeGenova
- Tim Louis
- Donna Morgan
- Duncan Wilson
General Manager - Vic Kondrosky
Recording Secretary - Gail L. Johnson

DELEGATIONS

A Proposal for a 1996 Referendum Question on Whales in Captivity by Annelise Sorg, Director, No Whales in Captivity

Commissioner Chesman recalled that at a previous meeting of the Board, there was not enough time to discuss this issue, therefore a special meeting had been called.

Ms. Annelise Sorg, Director, No Whales in Captivity, urged the Park Board to request City Council to place the following two questions on a ballot in the upcoming November civic election, regardless of whether or not the Aquarium asks for an expansion of land. This issue should be put to the voters to decide and the wording of the questions is critical:

1. Are you in favour of more whale or dolphin pools being built in Stanley Park?
2. Are you in favour of more whales or dolphins being brought into Stanley Park?

She referred to a letter dated March 25, 1996 from the Mayor agreeing that the decision to place the issue on the ballot, and the wording of a proposed ballot question, would be up to the elected Park Board Officials to determine. The Society believes that if more land is acquired by the Aquarium this would lead to the acquisition of more whales which is not prohibited by present by-laws. Ms. Sorg quoted a section of the Vancouver Charter which she believed gives the Park Board the power to create a bylaw excluding some animals from the Park.

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Dr. Jim Darling, Executive Director, West Coast Whale Research Foundation, could not be present, therefore, a video interview with him about the Vancouver Aquarium taped May 20, 1991 was shown. Dr. Darling, who has been studying grey whales off the coast of Tofino for 20 years, believed that studying whales in the aquarium is not the same as studying them in the wild as nothing can replicate their natural environment. There is no benefit to keeping them in the aquarium other than as entertainment value.

Ms. Ingrid Pollak, President, Vancouver Humane Society, supported the proposed questions for the ballot and urged the Board to use this method to obtain the voters wishes rather than wasting money on a public consultation process. The questions should be put to the voters regardless of the Aquarium's request for more land.

Howard Garrett, Director, Centre for Whale Research, could not be present, therefore his presentation was in the form of a video. He has worked with whales out of Friday Harbour in the San Juan Islands since 1976 and urged the Park Board to support the two questions for the ballot. Research has shown that too many whales die at a young age while in captivity.

Peter Hamilton, Director, LIFEFORCE, urged the Park Board to implement a by-law prohibiting all further acquisitions of orcas, belugas, narwhals, dolphins and other cetaceans at the Vancouver Aquarium. He provided copies of by-laws from the Cities of Nanaimo, Vancouver and the District of North Vancouver that prohibit performances involving wild animals. The Cities of Nanaimo, Parksville and Qualicum have included cetaceans and pinnipeds in this ban. He suggested having one simple question on the ballot rather than two ie: "Do you support keeping whales and dolphins in captivity in Stanley Park?" He felt the aquarium could not be trusted and will continue to capture cetaceans, therefore, he asked the Park Board to direct its staff to work with LIFEFORCE on wording of an animal exhibition by-law right away.

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Lynne Johnson referred to the huge public support for the "Free Willy" campaign and to a Life magazine article about the release of captive whales. She felt the issues are here to stay, therefore the time is right for the Board to support the two questions for the ballot.

Angela Hogan believed the Aquarium does not have the capacity to care for stranded whales or dolphins and, further, bringing sick whales into such an environment may be a danger to other healthy animals. Animals should be left in or returned to their natural environment. She asked the Board to support the two questions for the ballot.

Liz Watrich expressed support for the two questions believing that water circuses should not be allowed. Dogs are prohibited from being tied up and so whales should be prohibited from captivity too. There is nothing to be gained by keeping whales in captivity.

Lea Johnson expressed his support for the two questions believing the domination of living things by humans is a moral issue. There is no way an aquarium can replicate a whale's natural environment and space and sound deprivation are just two of the many detriments experienced by the whales. Facilities such as the "OMNIMAX" Theatre and other visual mediums could produce the same benefits for people wishing to learn more about whales. Public awareness and sensitivity is growing on the issue of whales in captivity.

Hugh Savage believed the incarceration of whales is cruel and inhumane treatment and keeping them for the purposes of entertainment and profit is to be condemned. Whale pools do not allow the whales to exhibit natural socialization or wild foraging instincts, therefore, their lives are meaningless. There is no justification for their captivity with the availability of many media forms and boats for whale watching. Captivity endangers their lives, diminishes the birth rate, and prevents them from enjoying the ability to travel many miles in a day. The Board should provide leadership in this issue by supporting the two questions.

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Eleanor Hadley explained she has been trying to free the whales since 1970 and is pleased with the added support of the public. She believed the Aquarium wants to save its profitable empire rather than protect the best interests of the whales. In answer to her questions, Mr. Kondrosky stated the last lease between the City and the Aquarium was signed in 1985 for 15 years and although that contract precluded further expansion of the Aquarium, if both parties now agreed to an expansion this could be done. The size of the Aquarium when it started in 1951 was not known.

Dr. Adrian Cooper, Veterinarian, urged the Board to support the two proposed questions for the ballot. A concrete pool environment for a whale could never be the same as being in the wild. Dolphins are successfully released into the wild, therefore, Orcas should be given the same opportunity and scientific research may still be possible with released whales.

Andrew Capeau expressed support for the two questions and believed no more whales should be brought into the Aquarium. He was appalled that the Aquarium only pays \$1/year to lease the facility from the City when it made \$10 million in gross revenues last year. He proposed a third question for the ballot, ie: "Do you favour giving continuing subsidies to the Aquarium to keep whales in captivity?" The whales are not in a perfect environment now so what is the risk in preparing them for release into the wild?

Darg Bell-Irving was of the opinion this is a moral issue and supported the two questions for the ballot. He urged the Park Board to find out how the public feels.

Douglas Hooper, Executive Director, S.P.C.A. was unable to be present but sent a FAX which stated he was in favour of the Coalition's proposed questions.

Patrick Cotter expressed support for the previous speakers and called for whales not to be held captive. The message about whales can be offered using multi media sources. He read a passage from a booklet, which he urged Board members to obtain, entitled "The Case Against Marine



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Animals in Captivity" published by the Humane Society of the U.S. Two unidentified speakers offered their experiences and feelings about whales in captivity, believing they should be returned to their natural habitat.

John Nightingale, Director, Vancouver Aquarium, circulated a written brief to the Board members and reiterated the Aquarium Board's stated position that it has no plans or funds for a \$20 million expansion. The Board has recognized the Park Board's motion that states any request to expand the Aquarium would be sent to a municipal vote and has asked its staff to analyse alternatives for the long term display of killer whales in a report expected to come before the Board in May or June. Further, the Aquarium Board adopted a policy statement in 1992 that it would not ever again capture wild killer whales and it has placed a moratorium on acquiring more beluga whales. Any changes to this pledge would be discussed with the Park Board. There are no plans to increase the number of whales in the Aquarium and its Board takes issue with expending its precious resources to debate ballot measures where there are no real issues. Mr. Nightingale offered statistics on the number of membership households and noted that 80% of the Aquarium's visitors are from inside Canada. The Aquarium is a leader in its commitment to education and provides hands-on educational programs linked to the Provincial school curriculum. Over \$1.6 million is spent each year on education, research and conservation efforts with most of the funds generated by visitors. The Aquarium receives no operational funds from the City of Vancouver or any other level of government yet it generates \$600,000 per year in revenue for the Park Board from parking and concession stand proceeds. It wants to continue directing its resources toward improving services for its animals and Aquarium programs.

During questions from the Commissioners, Mr. Nightingale felt the Aquarium would be economically unstable without the draw of the Orcas for visitors. He believed that re-introduction of the whales to the wild is not a reality. The two existing killer whales will be kept by the Aquarium, however if the female dies there are other aquariums that will take the male. If the male dies, there is no place for the female to go. Nothing can replace a first hand visit to the Aquarium to view the whales. The Aquarium does not

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pretend that living in the facility is the same as living in the wild for the whales, but it is a trade-off so that other benefits can be realized. Further, the Aquarium does participate in the "Free Willy" campaign by doing field research.

The Chair noted that a sub-committee consisting of Commissioners DeGenova and Louis and representatives of the Aquarium are working on the study referred to by Mr. Nightingale. He pointed out the Aquarium's moratorium did not include bringing in more dolphins and Mr. Nightingale indicated the Aquarium would be agreeable to including dolphins in the moratorium. When asked whether or not the Aquarium Board would address its future requirement for more whales being brought into Stanley Park, the Director indicated there was a distinction between making necessary changes related to genetics to care for the existing whales and any potential offspring, as opposed to bringing in any new whales for any reason. There was agreement by the Board members and Mr. Nightingale that the sub-committee would seek the approval of the Aquarium Board to ask its staff to include in its upcoming report answers to the following questions:

1. Does the Aquarium intend any acquisition or importation of new whales?
2. What circumstances would cause the acquisition or importation of new whales?
3. Would the Aquarium commit to active participation in the "Free Willy" program?

Mr. Kondrosky will ensure the Aquarium receives written notice of these questions by memo on April 11, 1996. Commissioner Morgan expressed a desire to start discussions on this issue and to get verification of the extent of the Park Board's power to enact a by-law.

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Moved by Commissioner Morgan

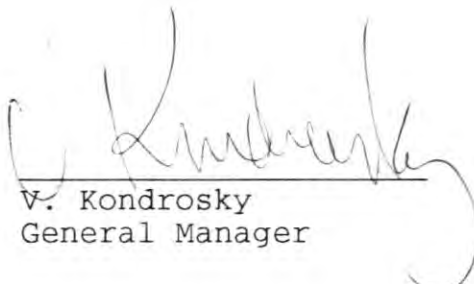
THAT the Park Board direct staff to consult with the City Legal Department to develop a Park Board by-law in keeping with the City of Nanaimo By-law #4504 for City parks, including possible grandmother clauses; and

FURTHER, that the Park Board urge City Council to explore expanding Bylaw #6940 to include cetaceans in Schedule A and to add the terms public show, exhibition, carnival or performance after the word circus.


- CARRIED.

(Commissioner Fetherstonhaugh opposed)

Commissioner Morgan explained the grandmother clause would be in place to address how to phase out marine animal captivity in the Aquarium. It was clarified by the Chair that adoption of the above motion does not preclude a request being made to City Council to include a question on the matter in the November election ballot.



V. Kondrosky
General Manager



Commissioner Dave Chesman
Chair