

November 13, 1997

SUBJECT: AQUARIUM MEMORANDUM OF UNDERSTANDING - MINOR  
AMENDMENT

**RECOMMENDATION**

***THAT the Board approve a minor amendment to clause (iii) e. in the draft Memorandum of Understanding with the Aquarium.***

REPORT:

On September 30, 1996 Commissioner Chesman moved the following motion that was carried unanimously by the Board:

THAT the Aquarium and Park Board negotiate a Memorandum of Understanding for the execution of the parties whereby:

(i) The Park Board expresses its commitment not to interfere with the day to day administration of the Aquarium unless such interference is permitted or required by the lease.

(ii) The Aquarium expresses its understanding and agreement that so long as it occupies public land the public has, subject only to express terms of the existing lease, a valid and bona fide interest in the purposes for which such public land is utilized.

(iii) A joint commitment to negotiate together an Addendum to the current lease or a renewed lease containing provisions as follows:

1. provisions to cover all outstanding issues between the Park Board and the Aquarium including, but not limited to: food service, parking and communications;
2. a provision to encourage and enable the Aquarium outreach to the public of Vancouver through community centers (with the consent of the centres) and other Park Board facilities;
3. a provision providing for joint Park Board/Aquarium initiatives in the public interest such as stream and fish enhancement within Vancouver's park system;
4. a provision to acknowledge the Aquarium's right to acquire from other institutions captive cetaceans caught from the wild prior to September 16, 1996 or born into captivity at any time and a mechanism to obligate the Aquarium to take reasonable steps to ensure that their acceptance of a captive whale will not result in the taking of a cetacean from the wild;
5. a provision binding the Aquarium to investigate and, where viable, implement alternatives to whale exhibitory and to continue **its research and commitment to whale release and rehabilitation.**

In discussions with the Aquarium it was apparent that further clarification

was required over clause (e) which deals with whale release and rehabilitation.

Commissioner Chesman has reviewed the initial clause and has agreed to recommend to the Board a minor amendment as follows:

a provision binding the Aquarium to investigate and, where viable, implement alternatives to whale exhibitory and to continue **its commitment to research on whale release issues and whale rehabilitation.**

Prepared By:  
Vancouver Board of Parks and Recreation  
DC