



Date: November 20, 2006

TO: Board Members - Parks and Recreation
FROM: General Manager - Parks and Recreation
SUBJECT: Amendment to the Parks Control Bylaw Relating to Captive Cetaceans

RECOMMENDATION

THAT the Board approve changes to the Parks Control Bylaw, Section 9 – (e) as outlined in this report and request Law Department to prepare a revised Bylaw for the Board's consideration.

POLICY

The Board approves all Park Bylaws and amendments to these bylaws.

BACKGROUND

In 1996, the Board established conditions under which cetaceans could be imported into and kept in any park. This was embodied in Section 9 (e) of the Parks Control Bylaw and reflected public input in respect to the capture of whales from the wild by the Vancouver Aquarium in Stanley Park. (Appendix 1)

The Bylaw allowed the Aquarium to import whales and dolphins into its facility if it was already in captivity prior to September 16, 1996; if it was born in captivity; if it is a member of an endangered species; or recently injured or otherwise in distress and needing rehabilitation or assistance to survive and be subsequently released.

Since 1996, the Aquarium has imported four pacific white sided dolphins in total. In October 2005, the Aquarium advised the Board that they were importing two dolphins from Japan. While one dolphin was imported under the pre 1996 exception, the second was brought in under the stranding exception of the Bylaw. This Section 9 (e) (iv) has been interpreted differently by Park Board and Aquarium staff and resulted in a concern regarding the clarity of the wording of Section 9 (e) (iv).

As a result of this difference and submissions from groups disapproving the capture of cetaceans for display purposes, the Board passed the following motion on July 10, 2006.

“THAT the Board include an evaluation of the Parks Control Bylaw (Section 9) as part of the Technical Review and Public Consultation Process for the Aquarium Revitalization and Expansion Proposal.”

DISCUSSION

The Board periodically reviews and updates its bylaws. The current Park Control Bylaw in respect to whales and dolphins has been in place for a decade, and the Board has received briefs that challenge the effectiveness of some of the clauses.

To confirm current public opinion on this Bylaw and to determine the public response to importing whales and dolphins (cetaceans) with or without the intention of releasing them back to the wild, staff requested that the Aquarium seek feedback from the public on the rules governing importation.

As part of the consultation process conducted by Kirk and Company Consulting with regard to the Aquarium's expansion request, the Aquarium put forward five questions to the community to elicit their views on the importation and display of cetaceans at the Aquarium.

The questions asked in the consultation are attached as Appendix 2 and the consolidated results are attached as Appendix 3. Questions 4 and 5 were designed to clarify public views on Section 9 (e) (iv) of the Bylaw which dealt with stranded or wounded cetaceans. The results indicate that respondents have no concern with retaining stranded or wounded cetaceans after their rehabilitation.

Based on the information received during the consultation and the ten year history, staff recommend that the Bylaw remain the same for Sections 9 (e, i-iii), and be revised for (iv) to provide for importation with intention to release or not to release. These changes have been discussed with Dr. Nightingale, President of the Vancouver Aquarium, who has agreed to the amendment of Section 4 (n) of the Stanley Park Aquarium Agreement to reflect the proposed bylaw changes.

CONCLUSION

Staff will work with the Law Department to revise the Bylaw as discussed in this report and bring back an amendment for the Board's consideration.

Prepared by:

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