



DATE: June 15, 2007
TO: Board Members - Parks and Recreation
FROM: General Manager - Parks and Recreation
SUBJECT: Parks Control By-law Amendment regarding Cetaceans

RECOMMENDATION

THAT the Board implement the attached amendment to the Parks Control By-law as outlined in Appendix 1 of this report by the procedure for bylaw approval.

POLICY

The Board approves all amendments to the Parks Control By-law.

BACKGROUND

The following is the current wording of the Park Control By-law regarding aquatic mammals.

Park Control By-law Section 9 (e)

No person shall bring into any park or keep or otherwise maintain in any park any aquatic mammal of the Cetacean order including, but not limited to, baleen whales, narwhals, dolphins, porpoises, killer whales and beluga whales, which has been captured or otherwise taken from its natural wild habitat, except that this prohibition shall not apply to:

- (i) captive Cetaceans caught from the wild prior to September 16, 1996 and cetaceans born into captivity at any time;
- (ii) Cetaceans which are already being kept or maintained in a park as of September 16, 1996;
- (iii) a member of an endangered Cetacean species, provided that approval for bringing it into a park has first been obtained from the Park Board; and
- (iv) an animal that has been captured or otherwise taken from its natural wild habitat for the purpose of rehabilitating it from injury or preventing its

death due to stranding provided that its capture or taking and subsequent release to natural habitat is done under the jurisdiction and with the approval of the federal agency responsible and provided that the Park Board has been informed in as timely a manner as possible.

At its November 27, 2006 meeting the Board approved the following motion.

“THAT the Board approve changes to the Parks Control By-law, section 9 (e) and request Law Department to prepare a revised bylaw for the Board’s consideration”.

DISCUSSION

The current Park Control By-law regarding whales and dolphins has been in place for a decade, and the Board has received briefs challenging the effectiveness of the stranding exception portion of the By-law described in section 9 (e) clause (iv).

Last year, as part of the public consultation process regarding the Aquarium’s expansion request, the community was asked for their views on the importation and display of cetaceans at the Aquarium. The results of the public consultation process indicated that respondents had no concern with retaining stranded or wounded cetaceans after their rehabilitation.

The By-law amendment recommended in this report has the support of both the public and the Vancouver Aquarium.

CONCLUSION

The amendment outlined in Appendix 1 provides a clearer exception clause and supports the most recent public consultation on the bylaw provision in respect to the importation of aquatic mammals into a Vancouver park.

Prepared by:

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**A By-law to amend the Parks Control By-law
Regarding Cetaceans**

THE BOARD OF PARKS AND RECREATION OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. The Park Board repeals section 9 e)(iv) of the Parks Control By-law, and substitutes:

“(iv) an animal that has been injured or is otherwise in distress, and in need of assistance to survive or rehabilitation, whether or not the intention is to release it back into its natural wild habitat.”
2. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by the Park Board this day of , 2007.

Chair, Park Board

General Manager