



Date: November 17, 2014

TO: Park Board Chair and Commissioners
FROM: General Manager - Vancouver Board of Parks and Recreation
SUBJECT: Aquarium Cetaceans - Parks Control By-law Amendment & Oversight Committee Terms of Reference

RECOMMENDATION

THAT the Vancouver Park Board receive for information and consideration:

- The proposed amendment of Parks Control By-law section 9e in regard to keeping cetaceans in captivity (*attached as Appendix A to this report*); and
- The proposed terms of reference for the establishment of an Vancouver Aquarium Oversight Committee (*attached as Appendix B to this report*); and

FURTHER THAT the Board direct staff to conduct further public consultation on this matter.

POLICY

As the governing body of Stanley Park, the Park Board permits and regulates the Vancouver Aquarium Marine Science Centre's (the Society) activities in Stanley Park through a license agreement. This agreement grants the Society the right and license to manage and operate the Vancouver Aquarium in Stanley Park. It sets out obligations between the Society and Park Board, and approves expansion of aquarium facilities.

The Aquarium is governed by all Park Board by-laws, including Parks Control By-law Section 9(e) that sets out the conditions under which cetaceans (whales, dolphins, and porpoises) can be acquired and kept.

BACKGROUND

At the Special Meeting on July 31, 2014, following extensive input by the public on the issue of cetaceans in captivity, the Board passed the following resolution:

- A. The Board calls upon the Society to continue their international leadership and work with the Board and other relevant partners to undertake a detailed examination of the applicable animal care standards (including those applied by Canada's Accredited Zoos and Aquariums ("CAZA"), Association of Zoos and Aquariums ("AZA"), and Alliance of Marine Mammal Parks and Aquariums ("AMMPA") and the

implications of those standards on the behaviour of captive cetaceans. This study should:

- i. use all available scientific data to determine if cetacean well-being is possible within the confines of the Vancouver Aquarium's cetacean compounds; and
 - ii. be based upon measurable criteria as determined by scientific experts in the field of cetacean biology and behavioural science.
- B. The Board directs staff to establish an Oversight Committee, consisting of animal welfare experts with the mandate to provide public oversight to ensure the well-being of all cetaceans owned by the Society. This Oversight Committee will prepare a bi-annual report to the Park Board on the status and well-being of all cetaceans owned by the Society.
- C. The Board directs staff to work with the Society to investigate and, where viable, implement alternatives to cetacean exhibition and continue to research cetacean rehabilitation and release.
- D. The Board directs staff to prepare, and bring forward for enactment by the Board, an amendment to the Parks Control By-law to prohibit the breeding of captive cetaceans in Vancouver parks unless, in each particular instance, the captive cetacean is a threatened species and the Oversight Committee, the Board, and the Society agree that captive breeding is necessary for the survival of such threatened species.

Resolution B directs the establishment of the Oversight Committee. Resolution D directs staff to bring forward for enactment the Parks Control By-law amendment.

DISCUSSION

As directed by the Park Board, staff have prepared an amendment to the Parks Control By-Laws to prohibit the breeding of captive cetaceans in Vancouver parks (Appendix A), and staff have researched best practices in regard to the establishment of an animal care oversight committee and have used this research to guide the development of the attached terms of reference (Appendix B). These terms of reference clearly define the mandate, membership, roles, and responsibilities of the Oversight Committee, and outline the scope of the biannual report to the Board on the status and well-being of cetaceans owned by the Vancouver Aquarium.

In the work done since the Special Meeting of the Park Board on July 31 2014, there has continued to be much dialogue and more information has come forward in regard to the issues of breeding of cetaceans by the Vancouver Aquarium. Therefore, staff have provided an additional recommendation for the Board if they so wish where further public consultation could be undertaken prior to passage of the Parks Control By-law.

SUMMARY

As directed by the Board, staff have prepared the Parks Control By-law amendment and terms of reference for a Vancouver Aquarium Oversight Committee for the Board's consideration.

General Manager's Office
Vancouver Board of Parks and Recreation
Vancouver, BC

Prepared by: H. Langeveld, Deputy General Manager
/clc

APPENDIX A
Vancouver Park Board - Parks Control By-law Amendment

BY-LAW NO. _____

**A By-law to amend the Parks Control By-law
regarding the keeping and breeding of cetaceans in parks**

THE PARK BOARD OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. In section 1, the Park Board adds:

“ (l) “THREATENED SPECIES” means a Cetacean species that, in the opinion of the Park Board, must be bred in captivity in order to ensure its survival.”

2. At the end of Section 9, the Park Board adds:

“ (f) no person shall breed, or permit, suffer or allow the breeding of cetaceans in a park except that this prohibition shall not apply to the breeding of a cetacean belonging to a threatened species, with the prior approval of the Park Board.”

3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

4. 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 _____, 2014

Chair, Park Board

General Manager

EXPLANATION

**Parks Control By-law
Amendment regarding the keeping and breeding of cetaceans in parks**

Enactment of the attached By-law will implement the Park Board's resolution of July 31, 2014 to prohibit the breeding of cetaceans in parks, unless, in each particular instance, the captive cetacean belongs to a threatened species and the Park Board is of the opinion that breeding of that cetacean in captivity is necessary for the survival of such threatened species.

Director of Legal Services
November 24, 2014

**APPENDIX B:
Vancouver Aquarium Oversight Committee - Terms of Reference**

1.0 Introduction

These Terms of Reference outline the rationale, mandate and membership criteria for a new Vancouver Aquarium Oversight Committee (the “Committee”), which will be accountable to the Vancouver Board of Parks and Recreation (the “Park Board”).

2.0 Mandate

The mandate of the Committee will be to provide public oversight to help ensure the well-being of all cetaceans owned by the Vancouver Aquarium Marine Science Centre (the “Society”). The key deliverable of the Committee will be a bi-annual report to the Board on the welfare of cetaceans owned by the Society.

3.0 Membership

3.1 The Committee will consist of a maximum of five (5) members consisting of animal welfare experts with representatives from the private sector, government, non-profit, and academic institutions including, but not limited to, the following professions/fields:

- Scientist and/or teacher
- Veterinarian
- The community
- Policy & compliance

And including, but not limited to, representatives from the following institutions and agencies:

- General Manager of the Park Board (Chair)
- BC Society for the Prevention of Cruelty to Animals
- University of British Columbia
- Simon Fraser University
- Department of Fisheries and Oceans
- Canadian Council on Animal Care in Science

3.2 Recommendations for appointment to the Committee will be made by the General Manager of the Park Board and approval of the appointments will be made by the Park Board at a Regular Board Meeting.

3.3 An Oversight Committee Coordinator (Park Board staff person) will coordinate meetings, prepare meeting materials and agendas, take minutes, and provide general support to the members of the Committee in the execution of their responsibilities.

4.0 Meetings

4.1 Meetings of the Committee will not be open to the public however the Chair of the Committee will present their bi-annual reports in the public session of the Board and will be available to answer questions of the Board.

- 4.2 The Committee's meetings will be chaired by the General Manager of the Park Board.
- 4.3 The Committee will meet twice a year. Meeting dates will be set by the Chair in consultation with the Committee members.
- 4.4 The meeting agenda, prepared by the Chair, will be circulated via email prior to every meeting. The meeting notes will be emailed to Committee members after each meeting. Any modifications or revisions to the meeting notes will be addressed and adopted as necessary at the start of each meeting. Finalized meeting notes will be posted on the Park Board's public website.

5.0 Bi-Annual Report: Status and Well-Being of Vancouver Aquarium Society Cetaceans

- 5.1 The key deliverable of the Committee will be a bi-annual report to the Park Board. This focused report will provide concise information on the status and well-being of all cetaceans owned by the Society including, but not necessarily limited to, the following:
 - The health, welfare, number and species of cetaceans currently owned by the Society;
 - The locations where these species are being housed;
 - The number of births and deaths that have occurred since the last report to the Board;
 - The number and description of research projects and presentations that have come from captive cetaceans or have been supported by captive cetacean research;
 - The number and descriptions of wild cetacean strandings that have been responded to; and
 - The number of people that have visited the aquarium to learn about cetaceans.
- 5.2 It will be the role of the Committee to develop the framework of the initial report. This framework will form the template of subsequent reports, but it is the Committee's prerogative to modify or add to this framework.
- 5.3 Reports will be delivered twice a year. The first of these reports each year will be an interim report presented to the Park Board prior to the summer recess. The second of these reports will be the final report, summarizing the Committee's findings on the status and well-being of the Society's cetaceans. That final report must be presented to the Park Board by the end of the calendar year.

6.0 Oversight Committee Roles and Responsibilities

- 6.1 The Committee is accountable to the Park Board.
- 6.2 The Committee will be expected to provide their expertise in marine mammal veterinary science and animal welfare in the assessment of the Vancouver Aquarium's operations as they pertain to cetaceans owned by the Society.

- 6.3 The Committee's key role is to develop the bi-annual report (described in Section 5.0). Additionally, the Committee's role is to raise issues and concerns to the Park Board regarding the status and well-being of the Society cetaceans and develop considerations to assist the Park Board in fulfilling its mandate. It is no part of the Committee's role to direct or interfere with the Society operations.
- 6.4 The Committee will seek to work closely with staff of the Society in assessing the welfare of captive cetaceans. The Committee's inspections and assessments of the Aquarium's facilities will include the Vancouver Aquarium, and the Committee will also seek to assess other locations where cetaceans owned by the Society are kept (e.g. the Georgia Aquarium in Atlanta, Georgia). In this context a communication protocol and reporting structure between the Society and the Committee will be developed.
- 6.5 With the assistance of Park Board staff, the Chair will be responsible for agenda preparation and confirming follow-up items for meetings. Park Board staff will coordinate meeting dates, invitations and rsvp's, distribute meeting material including agendas and meeting notes as well as acting as a liaison between meetings.
- 6.6 Members of the Committee will not speak on behalf of the Park Board or the Society.