

April 22, 2014

Vancouver Board of Parks and Recreation  
Administration Office  
2099 Beach Avenue  
Vancouver, BC V6G 1Z4

Dear Park Board Chairman and Commissioners,

**RE: Cetaceans at the Vancouver Aquarium**

Given the recent media attention on cetaceans at the Vancouver Aquarium, and in response to concerns from our supporters, the BC Society for the Prevention of Cruelty to Animals (BC SPCA) would like to outline our position on the keeping of captive marine mammals and to offer assistance to the Park Board in navigating this challenging issue.

Attached is a copy of our Society position on Marine Mammal Welfare that was approved by our Board of Directors in 2011, following a review of current evidence from the scientific literature by our Animal Welfare Committee. The BC SPCA opposes the capture, confinement and breeding of marine mammals for entertainment or educational display. Thus, our organization supports the phasing out of cetacean programs at the Vancouver Aquarium.

The BC SPCA's mission is to protect and enhance the quality of life of all animals, including wildlife. Further, our interest in the welfare of wild animals at the Vancouver Aquarium extends from the BC SPCA's legal duty to enforce the *Prevention of Cruelty to Animals Act* for any wildlife in captivity in the province. We respect that many other local animal organizations and members of the public are calling for a referendum on the Vancouver Aquarium's future operations and we support transparent and democratic policy making. However, the BC SPCA appreciates that this is a complex issue that might be difficult to resolve with a yes/no referendum restricted to the citizens of Vancouver, whatever the directive may be. Further, the Vancouver Aquarium's important programs in wildlife rehabilitation, research and conservation efforts should be taken into account.

Although the terms of the Vancouver Aquarium's lease with the city are unknown to us, it is our understanding that the Park Board can guide the activities at this location through the Parks Control By-law. As it exists, the current by-law allows for the breeding of cetaceans on site, as well as the

acquisition of cetaceans born in captivity at any time or born in the wild before September 16, 1996, from any international marine park. To address the growing concerns being raised by members of the public and the scientific community against the keeping of captive cetaceans, the BC SPCA recommends the below by-law amendments in order to take steps towards the phasing out of cetacean programs at the Vancouver Aquarium. The proposed changes would allow existing animals owned by the Vancouver Aquarium to live out their lives on site, and only permit new acquisitions in special circumstances with Park Board and Department of Fisheries and Oceans (DFO) approval.

*Current Parks Control By-law:*

*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 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.*

*Proposed amendments to Parks Control By-law:*

*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, except that this prohibition shall not apply to:*

- (i) cetaceans caught from the wild prior to September 16, 1996;*
- (ii) cetaceans born in captivity which are already being kept or maintained in an accredited marine park as of September 16, 1996;*
- (iii) a member of an endangered Cetacean species under recommendation from DFO, provided that approval for bringing it into a park has first been obtained from the Park Board; and,*
- (iv) a cetacean that has been injured or is otherwise in distress, and in need of temporary assistance to survive or rehabilitation with the intent to release it back into its natural wild habitat. If the animal cannot be released as determined by DFO, approval for permanent housing from the Park Board is required.*

This proposed “sunset bylaw” parallels the recently introduced provincial Controlled Alien Species regulation which restricts the keeping of exotic animals in captivity, and does not restrict rehabilitation or conservation activities. As previously mentioned, this is a complex issue and we understand several beluga whales are currently on breeding loan to SeaWorld and we encourage the ending of this business relationship. Thus, the BC SPCA suggests that if these animals are returned to the Vancouver Aquarium, that the amended by-law also includes a clause to ensure no additional breeding loans of cetaceans would be allowed in the future. Additionally, the amended by-law should

consider restricting the current cetacean programs which do not offer any conservation value, including but not limited to:

- “Interactive Marine Mammal Shows” where an untrained member of the public is asked to act in the role of marine mammal trainer;
- The practice of “Up Close” experiences with cetaceans, such as kissing beluga whales; and,
- Programs like “Yoga with whales”.

We thank the Park Board and Mayor and Council for reviewing this important public interest and animal welfare issue, and hope it will be possible to achieve a solution that will satisfy the interests of most Vancouver residents, particularly those of current and future cetaceans. Should you have any questions on our position statement or recommendations, please feel free contact me directly by telephone at (office) 604-647-1322 or by email at [cdaniell@spca.bc.ca](mailto:cdaniell@spca.bc.ca).

Best regards,

A handwritten signature in grey ink that reads "Craig Daniell". The signature is written in a cursive style with a small flourish at the end.

Craig Daniell  
Chief Executive Officer

cc: Vancouver Mayor and Council

Attachment - BC SPCA Position Statement on Marine Mammal Welfare