

COVER STORY: The curious case of West Vancouver's Whytecliff Park



Whytecliff Park

Peter Taylor photo

By [Sean Kolenko - North Shore Outlook](#)

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The Whytecliff Park project was meant to set a national precedent, the inaugural domino in what would become a cross-Canada movement. Tucked near the end of Marine Drive, just east of Horseshoe Bay, the waters of Whytecliff Park would become the first marine protected area in the country that safeguarded marine life from consumptive use.

For those involved in the marine industry, academics and conservationists alike, it was perfect.

So too was it for local bureaucrats and politicians. High-fives, all around.

But how did this collection of like-minded people get the go-ahead for the work in the first place? And, what has it meant in the long run?

Early days

Since at least the early 1950s, Whytecliff Park had been a destination spot for divers looking to spear the abundant lingcod, red snapper and rockfish in the area. Back then, the rockfish caught by a diver in Whytecliff could be traded for a full meal in Chinatown. And they often were.

In those days, Whytecliff's shallow waters were home to schools of black rockfish. In the deeper areas, cloud sponges, themselves home to more rockfish, awaited divers at every turn. In the 1960s, a total of 12 species of rockfish called Whytecliff home.

What wasn't known at the time, was that some of the fish being speared, the rockfish in particular, were upwards of 100 years old and catching them meant wiping out generations of the fish.

The push to ban spearfishing in Whytecliff began in earnest in the late '60s and early '70s. Committees were struck, boards were erected and many a meeting was held about how to best handle the issue but nothing official would come of it for decades.

Fast forward to 1993 and Richard Paisley, an adjunct professor of law and the director of the Global Transboundary International Waters Initiative at the University of B.C., is living in one of the now-demolished caretaker's cottages in Whytecliff.

There was a sense at that time, remembers Paisley, that marine life protection was the next step — the “flavour of the day,” he calls it — for those toiling in the sphere of marine conservation.

“We really wanted to foster that feeling with the local community,” says Paisley, noting Whytecliff's proximity to a densely populated urban core was a major selling point for the project as its message could potentially reach more people than if a more remote place had been selected.

“We just really wanted to raise awareness of marine protected areas.”

Red tape

The trouble facing Paisley, however, was twofold: the lack of any official guidelines to establish a marine protected area and the often confusing web of jurisdiction present in Canadian waters.

For instance, Ottawa has jurisdiction over the sea coast and inland fisheries under the Constitution. But they only have jurisdiction over certain parts of the sea bed, while B.C. has authority over others parts. The sea bed of the Strait of Georgia, for instance, belongs to the province. First Nations jurisdiction, provided under Section 35 of the Constitution, further complicates the mix.

So, Paisley, who by this point was working with people from the Vancouver Aquarium, the Canadian Parks and Wilderness Society as well as concerned citizens and West Van municipal staff, decided to seek the approval of the community first. Unfortunately, Paisley says they were met with some resistance, as a handful folks in the neighbourhood were reluctant to attract any extra attention to the area.

The group then turned to Fisheries and Oceans Canada.

“We decided we needed Fisheries on our side. We talked to legal counsel in Ottawa and they said the easiest way is to have a series of closures [a simple ban on all types of fishing] under the Fisheries Act,” says Paisley.

“We said ‘sure.’ And that became the legal mechanism by which we shut down the exploitation of living marine resources in the park.”

As of July 24, 1993, Whytecliff Park was a marine protected area.

Left out

Four years later, Canada adopted the Oceans Act, then a world-leading piece of legislation aimed at providing a comprehensive framework for oceans management. Part of that framework included guidelines to establish marine protected areas.

But since the Whytecliff project preceded the Oceans Act, it wasn’t included in the new rules. According to John Nightingale, president and CEO of the Vancouver Aquarium and a member of the group that worked on Whytecliff in 1993, calls to recognize the area under the Oceans Act were quickly made but ultimately rejected.

“The government said no, it [Whytecliff] wasn’t big enough or important enough. So, they didn’t do it,” says Nightingale.

“It actually lacks official designation. Whytecliff Park, technically, isn’t a marine protected area.”

With the new regulations came new definitions of what a marine protected area could be. In the context of Whytecliff, a marine protected area meant a fishing closure. Now marine protected areas can be defined in numerous ways such as zones where no oil or gas drilling can occur, but people can fish.

In 2002, the National Marine Conservation Act came into being, but that measure is attached to national parks or national parks reserves. It gives Parks Canada the ability to protect conservation areas in places such as Haida Gwaii and the southern Gulf Islands, where a national marine conservation area is currently in development. Such a designation, however, doesn’t inherently mean these areas are no-take zones either.

Semantics

“Everything is counted as a marine protected area now, but they are not,” says West Van’s Bernie Hanby, famed underwater photographer and crusader for Whytecliff.

“There are even places reserved for people to anchor their boats at night, but there’s no protection whatsoever. And the public thinks that if you say ‘park’ it is protected. It’s a total misnomer. Fish get no respect.”

A former insurance adjuster, Hanby, 78, was an avid fisherman in his younger days. In fact, it was the fishing in B.C. that brought him here from England in 1960. But then Hanby started diving.

When he dove, he took photos and it didn’t take long before he realized the fish that were once so abundant in some B.C. waters were disappearing. In the ‘70s, Hanby was in Pender Harbour, where he owns a second home. He’d been going there for years and knew of the area’s reputation

as a hot spot for spearing lingcod. But awareness of a reputation and seeing the results of it, however, are two different things.

“Divers would have these meets to scout who could spear more fish and where. And I came upon it and never took a photo, which I regret to this day. There was 2000 pounds of dead fish from one of those events,” he says, angered still.

“There’s no sport in that.”

Something had to be done. In 1985, he helped set up the Marine Life Sanctuary Society, which, eventually came to work with Paisley, Nightingale and others on Whytecliff after failing to establish a marine protected area in Gabriola Pass a few years earlier.

Since 1993, the society has had its ups and downs, suffering from fluctuating membership numbers. People like to see results, Hanby says, and after their attempts to work in Gabriola Pass, members walked away frustrated from the failure. But a resurgence is in the works, Hanby adds with a proud smile, as new blood has begun to join again.

“The key for me has always been to get support for marine protected areas. And rockfish are the indicative species of why it’s important. We have vacuumed the Georgia Strait and all up the coast. But most people are not exercised by the loss of these fish,” says Hanby.

For me, it’s absolutely dramatic.”

A lasting effect?

Although Whytecliff Park never became the catalyst for marine conservation many hoped it would, it remains a notable accomplishment for a group then exploring wholly uncharted policy.

“It is a pseudo marine protected area but it remains one of a very few places in Canada that has a complete fishing closure,” says Sabine Jessen, the national manager of the Oceans Program with [Canadian Parks and Wilderness Society](#).

“Whytecliff will still come out as a significant area.”

A lesson learned from the project — one that informs CPAWS’s current work in the field — is the importance of coordinating long-term fisheries closures where possible. A general fisheries moratorium, the kind Whytecliff enjoys, can be lifted at any time. Longer closures bring more stability to the movement.

In other locations, Jessen says a zoned approach to marine protected areas may help in getting certain areas of marine life protected. For instance, in a large marine protected area, certain parts of it could be designated no-take and others not.

Everything can’t be one big marine protected area, admits Jessen, with a laugh. And it doesn’t have to be. This year, she says CPAWS is running a campaign dubbed 12 x 2012, an initiative that aims to earmark 12 sites for marine protected areas by year’s end.

“All of them will have a no-take component to them,” says Jessen.

“And we’re still not doing as much as we should be doing.”

Whytecliff Park will be the location of an Oceans Day celebration June 10, from 11 a.m. to 3 p.m. Various speakers, vessel displays and family-friendly activities will be part of the event.