Orca Morgan, the oblivious martyr?

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in cooperation with Sander Gielen

Special thanks to:
Loro Parque, Mr. W. Kiessling,
Dr. J. Almunia, Mrs. N. Romashko,
Mr. R. Zamora & the entire Orca Ocean staff
The orca or killer whale

Orcas or killer whales (Orcinus orca) are the largest species of the dolphin family. Unmistakable in size and appearance, the orca is a public favorite among many people. It is a large but agile species of marine mammal with a unique black and white pattern. Located above the eye is a characteristic white marking called “the eyepatch” that is often mistaken by people for the eye of the animal. Scientists believe that this is actually the purpose of the eyepatch in nature as well where any predator or rival will mistake it for the eye and therefore the actual eye is protected from harm. In males the dorsal and pectoral fins are of an incredibly large size with some males growing a dorsal fin which is over 2 meters in length! Orcas are ruthless hunters with the largest variety in diet of all marine mammals and a position in the top of the food chain which they achieve by coordinated hunting in groups.

Orcas are one of the most widely spread animals in the world. They have been recorded in every ocean and sea except for the Baltic Sea and the Black Sea. They inhabit waters of different temperatures and climates with each their own ecosystem and therefore different types of prey. On different parts of the world among different populations there are certain things like diet, hunting techniques and even different dialects that are only known for that specific population. These also seem to be passed on from generation to generation. Some people have even gone so far in calling this a form of culture. It is well-known that orcas are very intelligent beings with a very advanced social structure and hierarchy.

Orcas in captivity

Orcas are relatively new in captivity compared to other more common zoo animals (such as elephants, tigers and bears) which we have been keeping and displaying for centuries. The first captive orcas appeared in the late 60’s. Little was known about the orca back then and it was actually thought they were very aggressive animals as well as harmful to humans. Thanks to the early captive specimens it was discovered they are actually intelligent socials animals that are not particularly aggressive. Their intelligence also made them able to be trained and orcas soon became a popular attraction in many early marinesparks, zoos and dolphinaria. Ever since the 80’s there have been successful breeding results making the keeping of orcas sustainable throughout the years. Around 167 orcas have been previously kept in captivity in the last 50 years with 60 individuals being kept worldwide today. This is however a very small number compared to for example elephants of which their captive number are estimated between 15,000 and 20,000 in captivity.

Although popular in captivity with one of the leading zoos in the USA being the “Seaworld” parks who are known for their orcas and orca shows, the keeping of captive orcas has not been without controversy. Already in the early beginning there have been people opposed to keeping these large marine mammals in an artificial environment. Especially since the last decade people have expressed criticism upon parks who keep orcas and have questioned the wellbeimg of the animals. Two sides seem to have developed over time. One who support the keeping of orca’s and or other dolphins in captivity and a side who heavily opposes this. This controversy peaked in 2010 when orca trainer Dawn Brancheau was killed in an incident between her and a male orca named Tilikum at Seaworld Orlando. In that same year an orca named Morgan was also causing an uproar in the country of the Netherlands. We will elaborate on her story a bit more in this report.
INTRODUCTION

Who is Morgan?

Morgan is a female killer whale or orca (Orcinus Orca) that currently resides at Loro Parque, Tenerife located at the Canary Islands. She was rescued by “Dolfijnarium Harderwijk”, a Dutch Marine park on June 23 2010 after being found alone and extremely malnourished in the waters of the Wadden Sea.

About a week before her rescue the first reports came in of “a large cetacean” spotted in the waters around Lauwersoog in the Netherlands. Sightings of orcas in Dutch waters are not unheard of but quite a rare occasion as opposed to the more native species of marine mammal found in that specific area. Not long after that the first footage of Morgan appeared, recorded by a boat of the Dutch state. Finally she was confirmed to be an orca and the Dolfijnarium in Harderwijk was contacted to set up a rescue plan for the animal as they had the experience and facilities suited for such an operation.

She was completely emaciated weighing just 430 kg while measuring 3,57 meters in length when she came to Dolfijnarium Harderwijk. (a normal healthy weight for an orca of that length lays at a minimum of around 660 kg according to the vet at that time!) Her age was estimated to be around 2 or 3 years old. Body fat was almost completely absent and she suffered from pneumonia. It was clear this animal was on the verge of death and many experts believed she would not make it through her first week.

The protocol for rescued marine mammals is to attend to their health problems, then to start the rehabilitation process and the ultimate goal is to release the animal back into it's natural habitat. This however is not always possible. This can have a number of reasons, for example: persistent health problems, disability of the animal or lack of experience to survive in the wild due to young age. In Morgan’s case it was decided by independent experts that she could possibly survive on her own in the wild as orcas live in complicated social structures and especially for young animals this is essential for their survival. Integrating her into a random group of wild orcas was deemed too high of a risk and an also unrealistic procedure. Efforts were made to locate the exact population she was from. Some of the methods used were taking DNA samples, sound samples and pictures of her dorsal fin to match these with the existing database of studied populations. Sadly all efforts failed. The next step was to find a new permanent facility for her where she could live among others of her species.

The intention to keep her in captivity caused a lot of controversy around the world and is currently still a very sensitive topic to many. Several animal rights groups stood up and questioned the marine park's intention, “The Free Morgan Foundation” being one of the main groups playing a part in this. Soon after she was deemed non-releasable, Loro Parque was chosen as her new location. This is when the protests began to rise to a bigger extent. Animal activists stood outside the park with banners and megaphone and handed out flyers to park visitors. Even threats were made to the park and its employees as they were accused of being animal abusers and murderers. Despite this they gained a lot of followers and eventually even took to court. The outcome of this (and several other court cases filed after that) was again that Morgan would not be able to survive in the wild.

The move to Loro Parque took place on November 29, 2011. It was a very smooth integration; As of January 19 2012 she had contact with the entire group and socialized with all animals. To this day Morgan resides at Loro Parque, where she participates in research as well as shows and education. The Free Morgan Foundation continues their efforts to get Morgan away from Loro Parque’s care and eventually released into the wild.

Hearing impairment

Already before she came to Loro Parque her caretakers suspected Morgan might have had hearing problems as she was unresponsive to sounds. Several different occasions of hearing tests and acoustic research have been done since she arrived in Loro Parque which confirmed Morgan is actually deaf. This turned out to be an even bigger argument that she would be unable to survive in the wild as well as a possible reason why she might have lost her original pod in the first place. Ever since her hearing impairment was discovered different training methods were implemented for Morgan using lights rather than sounds. The other orcas have actually learned to respond to these as well.
INTRODUCTION

What is Loro Parque?

Loro Parque is a zoological facility located at Puerto de la Cruz in Tenerife, at the Canary Islands. Loro Parque was founded in 1972 by Wolfgang Kiessling who remains to this day as the acting president of the park. The park was originally intended to be a refuge for parrots, but today it is a world reference for endangered species and environmental awareness. Loro Parque is one of the leading zoos when it comes to conservation and nature protection. Located at the park is the “Animal Embassy” the headquarters of the “Loro Parque Fundación” which is a foundation of which Loro Parque itself covers all the operating costs. In 2017 Loro Parque became the first European facility to receive the “humane certificate” given out by the American Humane Association. This is the world’s largest certifier for the humane treatment of animals.

The park has been housing orcas since 2006, when four animals (two males and two females) arrived from two of the three Seaworld parks in the United States of America. The orcas are housed at a facility named “Orca Ocean” which is 120 meters long, 12.5 meters deep and houses 22 million liters of sea water which is obtained directly from the Atlantic Ocean. Currently six orcas live at this enclosure. Among them are the original four animals named Keto, Kohana, Skyla and Tekoa. There is Adán, a calf born to Kohana and Keto in 2010 and the first baby orca in Spain. The final animal being Morgan who joined to group in 2011.

The Loro Parque Fundación

The Loro Parque Fundación is a non-governmental organization founded in 1994 by Wolfgang Kiessling. It operates on an international level on conservation and the protection of wildlife. 100% of the donations that the foundation receives goes to the protection and conservation of wildlife and natural habitats. Over the years they have carried out 109 initiatives in over 30 countries with an investment of over 18 million dollars.

Parrots and cetaceans are the main subjects of the foundation. Including several projects on the research, conservation and protection of wild orcas. Examples of these projects are the conservation of orcas in the Straits of Gibraltar by reducing orca-fisherman conflicts, analysis of the call sequence of orcas, toxicity in wild killer whales and the effect of contaminant cocktails on orcas and other marine mammals as well as the first non-invasive tagging method for cetaceans. In all these examples the resident orcas at Loro Parque play a very important role, making these research studies and conservation efforts possible.

Thanks to the efforts of the Loro Parque Fundación 9 species of parrots were actually saved from extinction in the last few decades. With some species growing from only 22 or 87 remaining animals in the wild to several thousand individuals.

The five principles of Loro Parque

Because of constant attacks and accusations of animal right extremists as well as to guarantee a better understanding within society Loro Parque operates under the “five principles of Loro Parque”. These include:

1. Care for the animals with absolute love and respect to guarantee their welfare and dignity.

2. Allowing the animals under our care the five freedoms (Animal Welfare Council 1979) which are freedom from hunger and thirst, freedom discomfort, freedom from pain, injury and disease, freedom from fear and distress and freedom to express normal natural behaviors (which includes reproduction).

3. All animals residing at Loro Parque are considered ambassadors for the conservation of their own kind within their natural habitats.

4. Loro Parque supports activities to research and conserve threatened species under human care and in natural ecosystems.

5. Loro Parque considers itself a sanctuary for wild animals that are in need of help.
On December 3, 2017 it was confirmed to the public that Morgan is pregnant. Dr. Jorge Soares, veterinary director of Loro Parque confirmed this with a statement. This again sparked up a lot of controversy from all kinds of parties, especially animal rights groups and animal activists. Through the years these have reported numerous times that Morgan has health problems, is attacked and harassed by the other orcas and is even being mistreated. Loro Parque however has reacted on these statements as being false. Apart from Loro Parque’s medical team several independent vets and researchers have been examining Morgan during the time she has been in Loro Parque to back up this statement. One of which is Andrew G. Greenwood who released an official health assessment online in 2013 stating Morgan was in excellent health.

In the last six years I have been to Loro Parque myself numerous times to witness the status and treatment of Morgan, both behind the scenes as well as a normal visitor. I have yet to conclude any of the accusations mentioned above. In light of the latest claims on Morgan’s wellbeing, her pregnancy and with yet another court case filed by animal extremists, I decided to come and visit her again together within a small team of two. The goal; witness and record what we would see upon visiting Morgan again as well as to talk with several of the experts at Loro Parque to clarify uncertainties among the public. The following report and interview is the result of this visit.

We had the opportunity to talk with Dr Javier Almunia, Director of Environmental affairs and essential contributor of several research studies regarding orcas about Morgan’s pregnancy and subjected him to the following questions:

How old is Morgan currently and how was this confirmed?

Dr Almunia: “It is impossible to know her exact age seeing as she was already several years old when she was found. Because of this it will always be an estimate. We have however compared several statistics of the growth rates in orcas both in the wild and in Loro Parque to come with an estimate of around 10 or 11 years as her current age. When she was rescued she was estimated to be 2 or 3 years old. At that time she was however heavily malnourished and probably much smaller than she was supposed to be. a more accurate age at the time of her rescue would be between 3 or 4 years”.

For how long has Morgan been pregnant?

“We discovered her pregnancy in November 2017 and it was estimated that she was around 5 months pregnant at that time. We expect her to give birth near the end of 2018”.

How did Morgan become pregnant?

“It was a natural mating. We do not practice artificial insemination at Loro Parque. The father is at this time unknown as it was a spontaneous act when the animals were socializing and it happened outside of our observations”.
How did you find out Morgan was pregnant?

“During a regular routine actually. We use ultrasounds to monitor the cycle and ovaries of the females, a small fetus was discovered during this. It was only discovered after 5 months because the uterus is very large and the large amount of body fat on orcas distorts the ultrasound which makes it easy to miss something. Especially when it is not the main focus to look for a fetus.”

Do you not check for hormone levels in the female orcas?

“We do not include hormone checks as a medical routine as breeding is not our focus. We do observe the cycle of the females so we can separate them from the males in their fertile period. This way we do not have to distribute birth control medication to them, which can possibly be harmful on a long term. Yet they are able to display their natural behavior”.

Was the pregnancy planned?

“No, absolutely not. We did want to give Morgan the chance to be a mother in the future, as this is an important part of the animals natural behavior. However we had the intention on waiting a couple more years before expanding our group of orcas”.

Is it true that you were actually not allowed to breed her and agreed to that when receiving Morgan?

“It is absolutely not true that there are any limitations to breeding Morgan. This is a lie spread by animal right groups to make their argument stronger. The Free Morgan Foundation actually received a clarification from the Spanish government that there are no limitations for Loro Parque in the housing and keeping of Morgan, yet they continue to spread this lie. We have the documents to prove this and are happy to hand this out to anyone interested”.

Is there enough space for another orca?

“There is more than enough space for Morgan to have a baby and for this calf to grow up. We are far from reaching the limit of space available for our animals”.

Are the rumors of a possible expansion true?

“There was a realistic plan to expand the pool system of the orca habitat. This was planned to happen in a few years. However with the current pregnancy this was put on-hold. Construction close to a pregnant animal and growing calf could be stressful and we want to avoid that”.

Is it safe to have another orca in the pool?
Can Morgan’s deafness play a role as a possible complication?

“We really do not know if Morgan’s deafness is something she had since birth and if it can be genetically transmissible. It is possible, but there several other possibilities such as trauma, sonar or even a pathogenic cause like a bacterial infection that caused her hearing impairment. So it is impossible to know at this point if the calf will display something similar”.

Could her deafness restrict the caretaking of the calf?

“It might happen that the calf has difficulties in understanding and interpretation of the dialect because Morgan also doesn’t. Unless the other orcas will have a role in this. This however will have a huge value research-wise. There are already scientists who showed interest in the development of the calves learning curve for the dialect. It will be very interesting to see if the dialect is taught mainly by the mother of an individual or by the entire pod”.

What are the risks that this pregnancy brings?

“As a first time mother there might be a possibility Morgan will not know how to handle the calf. If this is the case we have a professional team with a lot of knowledge and experience in hand rearing orca calves. Two of our calves born here were unfortunately rejected by their mother, so we needed to step in and manage the caretaking of the calves ourselves. Both of these times it was successful. One of the calves named Adán is still living here today, the other calf was named Vicky who unfortunately passed away due to intestinal problems. These were however not related to birth complications or the hand rearing process. So we consider both occasions very successful. Births in orcas and marine mammals in general are always high-risk. Even in the wild 52% of the calves will not reach their first year. This is however a rough estimate as it is hard to tell in the wild when an orca is pregnant and if the pregnancy failed or not. The main cause is because of the low immune system calves display when they are newborn. We will do everything in our power to assist Morgan and guarantee the calves survival”.

OBSERVATION

We were allowed to visit the orca habitat behind the scenes during the morning and afternoon to witness the routine of the trainers and orcas, one of which being medical training sessions. During the routines we witnessed many occurrences of social behavior between Morgan and the other orcas. She was grouped with different animals through the day. The orcas participated in training, medical training, shows and also had periods where they got their “free time” and were able to do swim freely and choose freely which behaviors to display and which animals to socialize with. Even during this free time Morgan never appeared to be swimming alone. She seemed to prefer the company of Adán, the youngest orca of the group the most. Morgan appeared very active both in general behavior as socially, yet her behavior was in a calm matter. Whenever a trainer appeared she seemed very interested and alert.

During the course of the day we observed various medical routines practiced by the trainers and veterinarian staff. Among these were taking a urine sample as well as a blood sample from Morgan. We also witnessed the attendance of Morgan's oral health during which her teeth were disinfected. Both wild and captive orcas show tooth wear because of interactions with other orcas and their surroundings. This is monitored closely and treatment is given when necessary. Morgan stayed very calm during all these procedures and did not show any sign of stress or pain. She was rewarded afterwards.

Medical training

The most important training regarding the care of animals is the medical training. These are a number of medical routines that are practiced regularly creating the possibility to monitor an animal’s health voluntarily. Even voluntary treatment is possible thanks to this training. An example of the medical procedures of the orcas at Loro Parque are taking blood samples, urine samples, a sample of the exhalation of the blowhole, ultrasounds, measuring the animals, weighing the animals and a check-up of the physical health of the animal (eyes, teeth etc.). By practicing these routines regularly the orcas get used to these procedures which makes it more efficient to monitor and maintain the animals health.

Medical training is used by many zoological facilities on a lot of different species. The medical training used on dolphins and orcas however is very advanced and one of the most stress-free methods existing today. The orcas work in direct contact with their caretakers and they do not have to be sedated or restrained for physical check-ups, minor treatments, blood sampling or even transportation. As the animal is rewarded via the positive reinforcement method it is unlikely to link negative experiences or emotions to these routines.

During these training sessions it became very clear that Morgan was used to these medical routines as she seemed to understand what was asked from her. She appeared very calm and waited for the signals of the trainers as she displayed the asked behaviors. We were able to see her entire body numerous times as it is still safe for her to come completely out of the water to be weighed. Her skin appeared smooth with some superficial scratches. No wounds, deep scars or fresh rake marks were visible. Her weight on the scale was between 2200 to 2300 kilograms with 2324 kg being the highest recorded weight at the time of our visit.
The training process of the orcas and dolphins at Loro Parque is in every way reached with the “Positive Reinforcement” method. Most people may already be familiar with it as the most well-known variation of this method is the so called “clicker training”, which is very popular in pets. The basic principle of this method is to reward the animal for a desirable behavior. When the animal displays an undesirable behavior it is ignored instead of correcting it or giving it punishment. Then the behavior is asked again. The main purpose of this training method is to have the animal displaying desired behaviors without experiencing negativity such as stress, fear or aggression. The method is very successful as the animal only experiences positive or neutral stimuli. Therefore it is used on hundreds of species today of which mammals, birds, reptiles, fish and even insects!

The key to marine mammal training is to use a signal that clarifies to the animal they are displaying the desired behavior and that a reward is following. This signal is used in the form of a high frequency whistle. The reward is mainly food as this is instinctively a highly positive stimulus for animals, but this certainly not always the case. The orcas at Loro Parque are also rewarded with things such as a toy, gelatin, ice cubes, water sprays or the enthusiasm of their trainer, (similar to for example dog training). During our stay we also observed Morgan being rewarded with this so called “Secondary Reinforcement” rewards.

We returned at a random day as normal park guests to find out if there was anything different from our observations during the first visit. We didn’t conclude any. The period before, during and after the shows the back-pools are visible for the public. Several medical training sessions and free-time sessions could be observed at the from the audience grandstand. Morgan was not even used in every show, as many activists claim. In fact she only had segments in one of the four shows that day and mostly swam freely in the back-pools during others.

Above: Morgan receiving a secondary reinforcement reward

Overall Morgan seemed like a normal, healthy orca that did not display any abnormal or atypical behavior just like in previous visits. We have witnessed her socializing with both the other orcas and her trainers. We were happy to conclude that the current accusations made by several animal right groups are once again wrong.
References

Literature

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- “Using a multi-disciplinary approach to identify a critically endangered killer whale management unit”
- “Effects of polar bear and killer whale derived contaminant cocktails on marine mammal immunity”
- “Cyanopsitta editions” 2017 – 2018
- Health Assessment Morgan 2013
- “A Natural Paradise”
- “Scientific information and technical references of particular aspects of Orcinus orca”

Online publications

- https://www.youtube.com/watch?v=obESJA6Q2bl
Declaration

I herewith declare that I have produced this article and it is entirely original content. I wrote this article in cooperation with Loro Parque’s animal experts and without furthermore assistance of third parties. Also without the use of aids other than the references specified; information and quotes taken over directly or indirectly from other sources have been identified as such. This article has not previously been presented in identical or similar form prior to March 01, 2018.

The article was written by Robin de Vries (writing, photography) and co-produced by Sander Gielen (interview draft, pre-work notes, video footage) under the supervision of Loro Parque to determine the accuracy of the information. It however remains a free expression without limitations.

ROBIN DE VRIES, THE NETHERLANDS

Acknowledgements

I would like to acknowledge Mr. W. Kiessling, Mrs. N. Romashko and the Orca Ocean staff for creating the opportunity to stay and observe at Loro Parque, aswell as Dr. J. Almunia and Mr. R. Zamora for the interview opportunities.
ATTACHMENTS

Annex A: Health Assessment of Morgan by Andrew G. Greenwood

Health assessment of "Morgan".

On 13th November 2013 I carried out an assessment of the general health and welfare of Morgan, a young female killer whale (Orcinus Orca) at Loro Parque. Morgan was rescued from the sea as an abandoned calf in the Netherlands in 2010, and moved to Loro Parque in Tenerife in 2011. She is housed with a group of four young adults and one juvenile. She is estimated to be 5-6 years old, based on size and appearance at the time of rescue, and the onset of ovarian cyclic activity very recently. Retrospectively she is considered to have been small for her age at rescue.

Health and management records.

I examined Morgan’s health records since the time of her arrival at Loro Parque, where she has been under full time veterinary supervision by the resident veterinary team, with support from outside experts. She has been routinely examined and trained to co-operate with such examinations, and regular blood sampling and ultrasound examinations have been carried out.

Her blood values have been stable and within normal limits almost throughout the past two years and she has needed minimal treatment, with the exception of a brief episode of gastro-intestinal upset with mild leucocytosis (plus increased fibrinogen and a drop in serum iron) which occurred in early October, for which she received appropriate treatment and recovered. The records note a few occasions, early in this period, when cuts and abrasions were caused by the other whales in the pool; none of these was considered to need medical treatment. Treatment has also been given for minor tongue lesions and an episode of gingival inflammation.

Management records show that Morgan’s weight has increased steadily since her arrival (weights taken weekly by training), except during the recent period of treatment when her food intake was lowered. The records show that her weight has increased again since then. Her food intake records show a very steady appetite. Her diet is approximately 50:50 high and low fat fish, with occasional squid, and is properly supplemented.

Early in Morgan’s captive care, trainers noted that she was unresponsive to sound. She does not respond to the normal methods of communicating with whales, such as hand-slaps on the water surface, or whistles, and terminates trained behaviours by following the other animals. All of this was demonstrated to me by the trainers. As a consequence, an assessment of her auditory function was carried out by independent experts, using the other whales for comparison; their report shows conclusively that she has profound hearing loss.

Physical examination.

I examined Morgan by observing her during the day at rest and in a public display; from the surface and through underwater windows; at the poolside, on a slide-out at the beach; and raised from the water on the lifting floor. At all times she seemed to be calm with the other animals and active with enrichment toys, with the trainers and in interactions with the others. Her activity, movement and behaviour
appeared quite normal. She responded actively to the presence of trainers and was calm with strangers. When left unattended she showed no sign of repetitive or other abnormal behaviour.

Morgan was in excellent body condition, currently weighed 1575kg and measured 4.74m in length. Her dorsal fin was vertical and rigid, and her skin was smooth and without any sign of fresh or recent wounds or lesions, with the exception of a 4cm shallow cut on her underside which appeared to be the result of contact with something in the pool (such as a gate) rather than a bite from another animal. She carried numerous fine linear scars from previous interactions with other whales, but these were all long since healed. None of these scars had caused depigmentation, indicating that the wounds had been superficial. Her eyes were clear and unmarked, her blowhole was clean and without discharge. On auscultation her lung and heart sounds were clear and normal.

Morgan’s front teeth were partially worn, seven at the front of the right mandible (lower jaw), and three on the left. Pulp exposure was present in three of these, one active and the others with the pulp deteriorated. None of the maxillary teeth (upper jaw) was affected. This is a result of her rubbing the teeth against hard objects or the sides of the pool, and was present to some degree in some of the other animals (and in most captive whale groups I have seen).

Conclusion.

In general, with the exception of her hearing deficit, Morgan’s physical condition and health are excellent. From what I was able to see from her behaviour, her psychological health is also good. I was satisfied that she was being given the best of care.

Qualifications and experience.

I am a qualified veterinary surgeon, with the degrees of MA, VetMB from Cambridge, and Fellowship of the Royal College of Veterinary Surgeons. I hold the European Diploma in Zoological Medicine and am a European and RCVS recognised Specialist in Zoo and Wildlife Medicine. I am also a Fellow of the Society for Biology and a Chartered biologist. I am a Past President of the European Association for Aquatic mammals. I have worked in the field of marine mammal medicine for 40 years, including continuous responsibility for killer whales. I have been veterinary consultant to Loro Parque since 1986, but I am not actively involved in the care of this group of whales, so am able to take a professionally independent view.

Andrew G. Greenwood MA VetMB DipECZM CBIol FSB FRCVS.
19 November 2013.
In response to your letter dated November 6, by which you are making a formal request for action regarding killer whales at the facilities in the company Loro Parque we inform you of the following:

Transfer of the killer whale Morgan from Dolfinanum Hardervij in the Netherlands to Loro Parque facilities in Tenerife in 2011 was performed according to the terms established in Article 9 of Council Regulation (EC) 338/97 and it was endorsed by the Dutch High Court verdict, which determined that the return of the animal to the ocean was not a satisfactory alternative or solution. This Management Authority performs regular inspections to ensure that the terms and conditions established in relation to the keeping of the orca Morgan are obeyed. In this regard, it should be noted that the Community Certificate issued by the Dutch CITES MA doesn’t set any express legal limitation to breeding and authorized to keep the orca for research, breeding or educational purposes. We are unaware of the content and scope of the governing letter submitted by the Dutch CITES MA you are referring to in your letter. However, it is necessary to note that the only binding document for this Management Authority is the CITES certificate accompanying the specimen.

Moreover, there are other considerations that are not of legal nature, but are relevant from the scientific point of view, related to the fact that Morgan is a young animal lacking the capacity to satisfy its feeding needs and that orcas are animals belonging to a highly complex social structure. In the experts’ opinion, this made it impossible for Morgan to locate her native pod, which discarded her release in her natural habitat.

In addition to what was indicated above, this Management Authority has been informed that several audiometric tests were performed by independent veterinarians, which confirmed that the orca Morgan suffers from a serious hearing deficit which would impair her from surviving in the wild.
Finally and in response *o another of the Questions brought up in your letter, I need to inform *you that, given tha! the orca is currently in Spanish territory, the applicable jurisdiction is that of Spain and the European Union, but the Unitec States Marine Mammal Protection Act (MMPA) you mention in your letter is not applicable.

Sincerely

[Signature]

Alicia Sanchez Munoz
Deputy Director

[Stamp of the MINISTRY OF ECONOMY AND COMPETITIVENESS]
Annex B: An overview of several of the projects realized by the Loro Parque Fundación as well as the total investment so far.