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Marine Mammal Commission  
4340 East-West Highway, Suite 700  
Bethesda, Maryland 20814



6 November 2015  
Our Ref: 20151106-3

### **RE: CITES, CoP17, the Marine Mammal Protection Act and Killer Whales at Loro Parque**

Dear Chairman Boness, Members of the Marine Mammal Commission and NMFS, FWS and APHIS Staff:

The Free Morgan Foundation is an NGO registered at the Chamber of Commerce in the Netherlands (KvK-No. 53471067), to facilitate the rescue, rehabilitation and release of the wild-born female killer whale known as Morgan. Our Board of Directors consists of representatives from the Netherlands, Germany, New Zealand and the United States of America. Our official address is Bosweg 14, 6523 NM Nijmegen, The Netherlands.

Attached to this e-mail please find the following three (3) documents:

- 1) CITES and the Marine Mammal Protection Act: Comity and Conflict at Loro Parque (White Paper on Whale Laundering).
- 2) Formal request for immediate action by the US National Marine Fisheries Service and the Spanish CITES MA regarding killer whales at Loro Parque.
- 3) Free Morgan Foundation public comment letter to US CITES MA (Fish and Wildlife Service) concerning agenda items for consideration at CoP17.

The immediate action being requested by the Free Morgan Foundation is addressed in the letter to the US National Marine Fisheries Service and the Spanish CITES MA calling for direct engagement of the problem as it presently exists at Loro Parque. This document has also been copied to the Dutch CITES MA for consideration. In addition, we have provided this information to the CITES Secretariat and the EUROPEAN COMMISSION for their response and action as well.

We call you attention to this matter because it is directly relevant to issues that must be addressed at CoP17. We have outlined these concerns in the public comment letter to the US CITES MA for inclusion on the Agenda at CoP17 and we have further illustrated the pressing need for action by the Parties through the case study of Morgan as presented in our white paper (attached) on whale laundering.

The broad purpose of our white paper is to highlight the systemic inadequacies in the CITES framework when applied at the individual case level. The issues addressed have been left unresolved for far too long and deserve both discussion and resolution by the Parties at CoP17. The Free Morgan Foundation hopes to initiate an international dialogue prior to CoP17 that will also facilitate a long overdue discussion in the United States of America about revision of the Marine Mammal Protection Act concerning public display and within the European Union the effectiveness of the Wildlife Trade Regulations, particularly for Annex A specimens, must be re-examined in light of Morgan's case.

We respectfully request a formal written acknowledgement of receipt and acceptance of this request for action including a detailed response concerning your intentions to address the issues raised herein to be delivered via e-mail to [info@freemorgan.org](mailto:info@freemorgan.org) no later than 20 November 2015.

Sincerely,

Dr I. N. Visser (PhD)



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