



22 February 2013

P. Michael Payne
Chief, Permits
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Sent as .pdf via email

Dear Mr. Payne:

This letter is in follow-up to our letter of 17 August 2011, regarding the four orcas at Loro Parque, originally exported from SeaWorld LLC in 2006.

In your letter of 2 June 2011, you recommended that The HSUS, AWI, and WDC conduct an onsite evaluation of the orcas held at Loro Parque (there are now seven orcas held in this facility – the original four SeaWorld animals; Morgan, the young wild-sourced animal from the Netherlands; and two captive-born orca calves being hand-raised after being rejected by their mother Kohana), to substantiate the concerns we expressed in our letter of 11 November 2010. In our letter of 17 August, we noted that we were opposed to this option, given our inability to gain behind-the-scenes access or access to staff or records, but subsequently another NGO, the Free Morgan Foundation, conducted an onsite evaluation in July 2012 as part of a separate legal effort to repatriate Morgan to the Netherlands.

We are attaching the report from that onsite evaluation to this letter, and ask you to consider it as fulfilling your recommendation. While the Free Morgan Foundation representative, Dr. Ingrid Visser, had only limited access to the animals, she was nevertheless able to catalog a number of aggressive interactions and injuries suffered by

Morgan, as well by others, including Kohana's offspring and Tekoa. Morgan is herself responsible for some of this aggression. The report upholds our concerns and undermines SeaWorld's assurances to you that all is well at Loro Parque. In short, the group of orcas held at Loro Parque is fundamentally dysfunctional and the trainers there are not experienced enough to recognize or address this. Remote oversight by SeaWorld has been insufficient to prevent systemic social problems within this group of animals.

We would welcome the opportunity to meet with you again to discuss the information found in this report. The situation at Loro Parque cannot safeguard the orcas' well-being and once again, we urge you to compel SeaWorld to repatriate these animals, using your authority under 16 USC §§1374(c)(2)(D) and (9). SeaWorld repatriating an orca at risk in its current circumstances is not without precedent. SeaWorld electively repatriated the male orca Ikaika to San Diego from Marineland Ontario in November 2011, after going to court to reclaim him from Marineland. Clearly the company is able and willing to relocate orcas when conditions at a present holding facility put them at risk. This is the current situation at Loro Parque and SeaWorld must act. If SeaWorld will not, NOAA must compel it to.

Please let us know if you are available for a meeting to discuss this situation further. We are available on the following dates: February 27 or 28 or March 5, 6, or 7.

Thank you for your attention to this increasingly urgent matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Naomi Rose", written in a cursive style.

Naomi A. Rose, Ph.D.
Senior Scientist
HSI-Wildlife

CC: Timothy Ragen, Marine Mammal Commission
Barbara Kohn, Animal and Plant Health Inspection Service, USDA