

**Overview of  
RESPONSE TO van Elk DOCUMENT  
Compiled by the Free Morgan Group, 1 August 2011.**

**A full response to the critiques offered by van Elk is given elsewhere (dated 21 July 2011). Here we provide an overview with reference to that document and the references therein.**

**(A) PREVIOUS EXPERIENCE.**

**van Elk (4<sup>th</sup> of April 2011) considered the Free Morgan Group Expert Board (FMGEB) to be negatively biased, based on their previous experience with rehabilitation and release work of cetaceans (whales, dolphins and porpoises).**

FMGEB RESPONSE

(details in RESPONSE to van Elk document, page 2, Points 1, 2, 3, dated 21 July 2011).

Such experience is a benefit, not a hindrance. It is relevant when assessing the animal, the situation, the rehabilitation and release plan, the locations for rehabilitation and release and the post-release plan. Free Morgan Group members (FMG, which naturally includes the FMGEB) who contributed to the Free Morgan Rehabilitation and Release Plan (The Plan) included not only scientists and researchers but also those who were/are animal trainers, conservationists and animal welfare advocates.

(details in RESPONSE to van Elk document, pages 4-20, Point 7a-q, dated 21 July 2011).

Such experience is strongly advised by the IUCN (*International Union for Conservation of Nature*) in their "*Re-introduction Guidelines (1998)*" which had been written by an expert panel of re-introduction specialists. The IUCN is the largest international conservation organization in the world and is extremely well respected. In terms of experience, collectively, the FMG has over 135 years of research, conducted on multiple cetacean species, with a strong focus on orca. The FMGEB also have direct experience with the rescue, rehabilitation and release of cetaceans, again having a focus on orca (please see attached Table 1, FMGEB Experience). The IUCN also strongly advises that such re-introduction groups include multi-disciplinary team (please see the list in previous point).

**(B) FREE MORGAN RELEASE PLAN, lack of references.**

**van Elk comments that The Plan for Morgan is devoid of scientific references, and thereby he suggests that the plan is not robust, nor well formulated.**

FMGEB RESPONSE

(details in RESPONSE to van Elk document, pages 3-4, Points 4-7; page 4, Point 6 and Appendix One, dated 21 July 2011)

The intention of The Plan was not to present a document for publication in a scientific journal, but rather a document which could be assimilated into the world of the lay-person, to enable the public to understand the process. We also wanted to ensure that The Plan was soundly based on the expertise and scientific knowledge of the authors, yet remained flexible enough to accommodate the changing requirements of Morgan, our understanding of her situation and the possible venues for her release back into the wild.

The suitability of Morgan for release was assessed by members of the FMG, under the protocols outlined in the CITES (Convention for the International Trade in Endangered Species) Process flow-chart, entitled 'Decision tree for "Return to the Wild" options'. Full details are annexed to the 21 July 2011 document.

Although no references were cited in The Plan, its formulation follows the IUCN *Re-introduction Guidelines* mentioned above in (A). A summary of the main points of the *Guidelines* is given here (with details of how The Plan fulfils these aspects listed in Points 7a-q, pages 3-20 in the 21 July 2011 document);

Aspects taken into consideration are *inter alia*;

*Studies of the status and biology of wild populations (species' critical needs); research into previous re-introductions of the same species; wide-ranging contacts with persons having relevant expertise; release site should be within the historic range of the species; training in the captive environment to enhance survival in the wild (behavioural training - including hunting); approval of relevant government agencies; coordination with national and international conservation organizations; construction of a multidisciplinary team; design of pre- and post-release monitoring programme; monitoring the health; intervention may be necessary (e.g. supplemental feeding; veterinary aid); acclimatization to release area; conservation education; training of individuals involved; mass media; involvement of local people in the programme; commitment of long- term financial and political support; welfare of animals for release is of paramount concern; decisions for revision, rescheduling, or discontinuation of programme where necessary, taxonomic status of individuals to be re- introduced, regular publications in scientific and popular literature.*

Therefore, although the document may look simple in format and does not contain scientific references, the wording is specifically chosen to be clear but precise and The Plan is, in fact, a robust outline for Rehabilitation and Release of Morgan, with consultation of internationally recognized protocols and procedures.

### **(C) FREE MORGAN RELEASE PLAN, Phase 2.**

**van Elk, when referring to the Phase 2 of The Plan states that there are three weaknesses (they are included here for clarity, but shortened):**

- (1) fish species, hunting methods**
- (2) no explanation of 'further conditioning'**
- (3) medical care**

### **FMGEB RESPONSE**

(please see details in RESPONSE to van Elk document, pages 20-22, Point 8; page 4, Point 6, dated 21 July 2011)

Every endeavor will be made to replicate Morgan's natural diet. However, although studies have been done on the diet of the orca who frequent the Norwegian waters, they appear to feed primarily on herring. Yet, they may also feed on other prey, e.g., the longest-studied population of orca in the world (USA/Canada) is described thus: " .... *eat mostly salmon during the summer and fall, but their diet during winter, and the whereabouts of the whales themselves, are largely*

*unknown.*” This is likely to also be the case for the Norwegian orca as their whereabouts is not always known.

(please see details in RESPONSE to van Elk document, page 21, Point 8, dated 21 July 2011)  
We purposely left out expanding our reference to ‘further conditioning’ as we did not wish to publish negative comments in The Plan, as they would have not been constructive nor conducive to a collaborative project. Unfortunately the Dolfinarium Harderwijk has taught, and subsequently encouraged, detrimental behaviours such as ‘begging’ for food, which is clearly not a behavior naturally seen in the wild (see Visser & Hardie, 2011, page 36, 45, 46). This was despite their previous experience with rehabilitation and release of ‘toothed cetaceans’ (page 3, van Elk, 2010) and their obvious understanding that such issues could arise (e.g. see van Elks comment in his CITES application document, raising these very issues). It is this type of behavior which must now be ‘extinguished’ and will require the ‘further conditioning’ which we alluded to in Phase 2 of The Plan.

(please see details in RESPONSE to van Elk document, pages 21-22, Point 8, dated 21 July 2011)

Morgan has been ‘trained’ to perform ‘medical behaviours’ and in association with close monitoring and daily husbandry checks, it will be possible to provide Morgan with appropriate medical attention.

#### **(D) FREE MORGAN RELEASE PLAN, Phase 3.**

**van Elk, when referring to the Phase 3 of The Plan states that there are three weaknesses (they are included here for clarity, but shortened):**

- (1) social structure, fish eaters**
- (2) boat following, behavoiur**
- (3) boat following, fish hunting**

#### **FMGEB RESPONSE**

(please see details in RESPONSE to van Elk document, pages 22-23, Point 9, dated 21 July 2011)

Social structure of orca has been outlined in the Visser & Hardie (2011) report (pages 37-40). Succinctly, the tight social group structure that is defined by the ‘arrive-by-birth-leave-by-death’ concept is documented only for a specific population of orca off North America. Norwegian orca are known to have both this *AND* a more fluid society. They have been shown to accept individuals from other groups and even provision (provide food) for some (see two pages from Stenersen, & Similä (2004), Norwegian Killer Whales).

(please see details in RESPONSE to van Elk document, page 21 Point 8 & page 24 Point 9, dated 21 July 2011)

Unfortunately, the Dolfinarium Harderwijk has irresponsibly taught and encouraged begging. This will have to be addressed (extinguished), to try and prevent her from following random boats for food. However, as Morgan has spent time in the wild before her capture, it is highly likely that she had encountered boats in the past and not associated them with food. The primary focus for teaching ‘boat-follow’ is to build up Morgan’s fitness, as she was forced to languish in a tiny tank

(only 5.6 x her length) and she is incredibly unfit. It may help to put into perspective the substantial distances (within short timeframes) which individual orca are known to travel (e.g., 160 km in 24 hr; 3,267 km within 77 days).

(please see details in RESPONSE to van Elk document, pages 24-25, dated 21 July 2011)

The Dolfinarium Harderwijk incorrectly describes Morgan's interest in humans as 'imprinting', when in fact it is rather an 'attachment' behavior. It has resulted because she is fed food by humans and is deprived of social contact and she is therefore desperate to engage in any way possible. Once the initial phase of restoring her health was completed, most of the feeding by hand should have been stopped *immediately*. If the Dolfinarium Harderwijk had any real intentions of rehabilitating and releasing Morgan, she should have been fed in such a way that her contact with humans was not a focus of food. This is feasible through 'remote' methods such as tubes to deliver the food underwater (so the human hand is not associated with the fish delivery, but the tube is).

In light of the fact that the Dolfinarium Harderwijk knew that there were parties interested in rehabilitating and releasing Morgan, training such behaviours was irresponsible and clearly indicates that they, themselves, had no intention of releasing her back into the wild. This is in direct violation of their public statements and suggests that they may have been duplicitous from the beginning. It has been proposed that the training of such behaviors (and the negligence illustrated by the lack of environmental enrichment provided to Morgan) may have been deliberately conducted as a way to modify Morgan's behavior to the extent that it would prevent Morgan's release (see Visser & Hardie, 2011).

#### **(E) DOLFINARIUM's Experts.**

##### FMGEB RESPONSE

**van Elk draws on the findings of the 'Seven Experts' the Dolfinarium Harderwijk commissioned. It does appear, from the statement by Christina Lockyear (page 22, van Elk, 2010) that the Experts were only supplied with a one page (10 bullet points) document (perhaps with a reference list attached) entitled "Morgan's case specific information" (page 11, van Elk, 2010).**

##### FMGEB RESPONSE

(please see details in RESPONSE to van Elk document, pages 28-30, dated 21 July 2011)

The Dolfinarium Harderwijk chose their 'Seven Experts' and, it appears, supplied them with only limited details with regards to Morgan. Despite our utmost efforts to get The Plan distributed to these 'Seven Experts' (through the Dolfinarium Harderwijk), it was not submitted, nor were any other proposals for rehabilitation and/or release that we are aware of.

The FMG was perplexed and dismayed by such an oversight by the Dolfinarium Harderwijk, who on the surface appeared to want to release Morgan, but who's behavior in not presenting **any** Rehabilitation and Release Plan and only presenting a bullet list of 10 items about Morgan indicated they were not truly motivated towards a goal of release.

FMG would have expected the Dolfinarium Harderwijk to have sent comprehensive, detailed reports *inter alia*: the capture and transport; body measurements at capture and at frequent

intervals post capture (showing her recovery), medical records at capture (and since), including tests conducted, results and triage administered; DNA analysis; acoustical matches; ethogram; other behaviours Morgan has been trained (e.g., medical behaviours); logbook/training records of the development of Morgan's behaviour; proposals for rehabilitation and/or release; proposal or tentative agreements with other facilities to house Morgan long term; body condition (at capture and current); food consumption records; videos (or links to) showing body postures, swimming coordination, alertness or lethargic behaviours, facility dimensions and destination facilities dimensions; timelines for plans and who the Dolfinarium Harderwijk had contacted in terms of wild orca research in Morgan's natal area and their results.

#### **(F) WELFARE.**

van Elk suggests that the FMG would rather see Morgan starving and in isolation/loneliness in the wild, than ***“accompanied and taken well care of in an aquarium”***.

#### **FMGEB RESPONSE**

(please see details in RESPONSE to van Elk document, page 31, dated 21 July 2011)

The welfare of Morgan is paramount to the FMG. In fact, it was for that very reason that the FMG was formed – all members have grave concerns for captive orca and in particular for Morgan, a young orca from the wild, being kept in a tank and in conditions that were clearly inappropriate. Therefore The Plan was formulated and contains four discrete Phases, each with contingency options including complete withdrawal of Morgan from the wild, if necessary.

Interestingly, the very aspects which the Dolfinarium Harderwijk raises (i.e., *“accompanied and taken well care of”*) are the very things they dramatically fail to meet whilst Morgan has been in their aquarium. She is left alone for extended periods of the day (and presumably the night), is ill-provided for in terms of mental and physical stimulation and has, against her will, been deprived of social contact with other cetaceans. It is apparent, even to those not experienced in animal welfare, that Morgan's welfare is not paramount for the facility (e.g., Visser & Hardie 2011, page 22). Therefore, we again draw attention to the current welfare situation of Morgan. It is clear that she has been subjected to conditions which are ethically questionable, which are morally unacceptable and which clearly fall outside the intention for which the permit to capture an animal for rehabilitation and release, was intended for. For examples of these welfare issues for Morgan, please see Visser & Hardie (2011), Wemelsfelder (2011) and Sanchez (2011). Concerns over these atrocious conditions have been expressed by multiple parties, for over a year now, and they have largely been evaded, ignored or disregarded by both the Dolfinarium and the Authorities.

Naturally, if Morgan's welfare had been of real concern to the Dolfinarium Harderwijk she would have been moved to a more suitable facility such as DeltaPark Neeltje Jans as soon as she was given a clean bill of health. van Elk cites Dr Morton as saying *“More than mating, more than food, more than home territories it is family around which a killer whale's world revolves.”* and we would applaud him for pointing this out, as it is exactly the mentality we would like to see truly reflected in the motivation of the Dolfinarium Harderwijk. By keeping Morgan in captivity they are guaranteeing that she will never see her family again.

Visser & Hardie (2011) cited Dr Marino who eloquently stated; *“.... modern husbandry techniques are very sophisticated, but this isn't the same as being well-cared for, and it doesn't mitigate the*

*fact that these animals cannot thrive in captivity. Surviving for a certain amount of time is not the same as thriving, and the mortality statistics show this conclusively. Dolphins and whales live only a fraction of their natural life spans in captivity. So if they're being so "well-cared for," what is killing them?"*

## CONCLUSION – WE NEED MORE HERE

Visser & Hardie (2011) report that Morgan “..... *is being retained in captivity and not being released due to her intrinsic and/or fiscal value.*” We add here that part of that ‘value’ is obviously linked to her capacity for breeding and to introduce new DNA into the extremely limited gene pool of captive orcas.

We reiterate that Morgan’s welfare was not paramount for the Dolfinarium Harderwijk, which focused primarily on restoring Morgan’s health and on teaching and actively encouraging those behaviours that may have compromised her further rehabilitation, in order to make Morgan a perfect candidate for captivity.

We offer scientific and expert evidence that not only can Morgan be rehabilitated, but that her release is feasible and certainly worth attempting.

The rehabilitation and release procedure will now necessarily take longer, because of the protracted time she has spent in the featureless tank and the detrimental behaviours she has been taught. Any attempt at rehabilitation and release will not, by default, be as easy as keeping Morgan captive.

However it is clear that her welfare is severely compromised in any tank.

Therefore, her rehabilitation and release would fulfill the legal requirements of her capture permit and the legislation of the EU and ASCOBANS.

Furthermore the scientific, technological and conservational gain and the message we convey to the public (that such a sentient being should be returned to her native waters), would surely outweigh the minimal risks and the financial investment.

## REFERENCES

Free Morgan Group (21 January 2011) *Suggestions for returning “Morgan”the orca (killer whale) to a natural life in the ocean.* Rehabilitation and Release Plan. Pp 11. published online at Free Morgan [www.freemorgan.nl](http://www.freemorgan.nl)

Free Morgan Group (21 July 2011) *Response to van Elk document with regard to Free Morgan Release and Rehabilitation Plan.* Submitted to the Legal Council for the Orka Coalitie (Orca Coalition) with regard to a pending court case, scheduled for hearing on 03 August 2011, at 11:00 hrs. Pages 35.

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