

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: June 25, 2019

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso *Sharon M. Tso*
Chief Legislative Analyst Council File No: 19-0002-S104
Assignment No: 19-06-0658

SUBJECT: Southern Resident Orcas

CLA RECOMMENDATION: Adopt Resolution (Koretz – Bonin – O’Farrell) to include in the City’s 2019-2020 Federal Legislative Program **OPPOSITION** to any legislation or administrative action that attempts to weaken or repeal the Endangered Species Act, particularly in terms of our oceans and the Southern Resident Orcas.

SUMMARY

The Endangered Species Act (ESA), introduced in 1973, is designed to protect and recover species and ecosystems that are imperiled primarily as a result of human impacts. Under the ESA, species may be listed as either endangered or threatened. "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range. The Southern Resident Orcas, which range from southeast Alaska to central California, are designated as endangered under the ESA. In 2018, the Southern Resident Orca population dropped to just 75, the lowest number in more than 30 years, as the federal government failed to expand protections for the orcas.

The Resolution recommends opposition to any legislation or administrative action that would weaken or repeal the Endangered Species Act.

BACKGROUND

In the 45 years since its inception, only ten of the nearly 2,000 species protected by the ESA have gone extinct. Of these ten, it is estimated that eight may have already been extinct upon being designated as endangered. A 2006 analysis found that without the ESA, as many as 226 species would have gone extinct. Bald eagles, black-footed ferrets, humpback whales, grizzly bears, Florida manatees and gray wolves are examples of species that have recovered or experienced a near recovery as a result of protections by the ESA.

The federal government has yet to implement expanded protections for species classified as threatened or endangered by the ESA. The ESA designates a “critical habitat” for each species protected by the Act. Although Southern Resident Orcas range from southeast Alaska to central California, their critical habitat is limited to the Puget Sound area in Lummi Nation and northwest Washington. In 2014, the Center for Biological Diversity petitioned for an expansion to the

Southern Resident Orcas' critical habitat. Despite significant report, and findings that animals with federal protected critical habitats are more than twice as likely to experience population recovery, the federal government did not act on the petition. In August 2018, the Center for Biological Diversity sued the federal government, resulting in a settlement agreement that will require the National Marine Fisheries Service to expand the Southern Resident Orcas' critical habitat by September 2019. The new critical habitat will include the entire western coast of Washington, Oregon, and California until Port Reyes, just north of San Francisco.



Tristan Noack
Analyst

SMT:tcjn

Attachment: Resolution

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the City shares responsibility for administering the public trust protect wildlife and the environment; and

WHEREAS, the Endangered Species Act was passed by a bi-partisan majority of Congress and signed into law by President Richard Nixon in 1973 to protect not only individual species, but the healthy ecosystems upon which all life depends; and

WHEREAS, the Endangered Species Act has saved from extinction 99% of the species protected under the Act - including the bald eagle, peregrine falcon, green sea turtles, southern sea otters, and humpback whales; and

WHEREAS, according to a recent national poll, 90% of Americans support the Endangered Species Act and 68% of voters are more likely to support members of Congress who back environmental safeguards like the Endangered Species Act; and

WHEREAS, Los Angeles is home to threatened and endangered species such as the Arroyo toad, Southern California steelhead, western snowy plover, desert tortoise, California condor, red legged frog, among others including the El Segundo blue butterfly that was almost driven to extinction and due to conservation efforts has rebounded; and

WHEREAS, the Endangered Species Act also protects ocean wildlife, including Southern Resident Orcas who range from the Puget Sound area in the territory of the Lummi tribe all the way to California; and

WHEREAS, the Southern Resident Orcas are listed as endangered and threats include military sonar, oil and gas development, habitat destruction from coastal construction, water and plastic pollution; and

WHEREAS, the Federal Government is in the process of proposing a rule to expand critical habitat for orcas to the coastal areas off the states of Washington, Oregon, and Northern California; and

WHEREAS, the Endangered Species Act, in protecting the health of our oceans, also protects human beings since more than 70% of the oxygen we breathe comes from ocean plants; and

WHEREAS, the Endangered Species Act ensures our natural heritage now and for future generations;

NOW, THEREFORE, BE RESOLVED, that by adoption of this Resolution with concurrence of the Mayor, the City of Los Angeles hereby includes in its 2019-2020 Federal Legislative Program OPPOSITION to any legislation or administrative action that attempts to weaken or repeal the Endangered Species Act, particularly in terms of our oceans and the Southern Resident Orcas.

PRESENTED BY:

Paul Koretz
PAUL KORETZ

Councilmember, 5th District

JUN 7 2019

SECONDED BY

[Signature]
[Signature]

[Signature]

ORIGINAL