



[Extinction Countdown](#) - October 14, 2009

U.S. protection for endangered penguins still pending

By John Platt



There are no wild penguins in the U.S. But many penguin species worldwide are in

danger—some dramatically—and all populations are [dropping fast](#). What to do, what to do?

Last December, the U.S. Fish & Wildlife Service (FWS) [proposed protecting seven penguin species](#) under the Endangered Species Act (ESA). Six of the species would be declared "threatened," whereas the seventh, the African penguin (*Spheniscus demersus*), would be listed as "endangered." The action followed a lawsuit, and resulting court order, to review the penguins' need for protection.

That proposal is still pending (under the law, the FWS has a year to act on its proposals), but meanwhile the Center for Biological Diversity (CBD) has announced plans to file [another lawsuit](#) to protect three penguin species not covered in the December proposal.

The first of the three species, the emperor penguin (*Aptenodytes forsteri*), is the world's largest and most ice-dependant penguin species; it has seen population drops of nearly 50 percent since the 1970s. Like most of its cousins, the emperor faces declining food supplies throughout its habitat. FWS turned down a previous request to protect the emperor, saying it believed populations were stable and that current science did not support climate models predicting further habitat loss. (It's important to note that this decision came down under the [Bush administration](#), which one week earlier had made it very clear that the ESA would not be used to regulate climate change.)

The other two species, the northern and southern rockhopper penguin (*Eudyptes moseleyi* and *E. chrysocome*), actually had been recognized in the FWS's December proposal, but only for a few populations of the southern species. "The southern rockhopper penguin in certain areas of the species range were stable and increasing, so listing was not warranted," says FWS public affairs specialist Tamara Ward. The CBD disagrees: "FWS proposed to list [the rockhopper] in only part of its range, ignoring large declines elsewhere," says Kassie Siegel, senior counsel at the CBD.

Why protect penguins under the ESA if they don't live in the U.S. or its territories? "Listing of penguins under the ESA would make import or export of the species illegal without an ESA permit," Ward says. "Such permits are issued only if an activity has a conservation benefit and it is hoped listing may help focus international attention on the species conservation needs." In addition, according to the CBD, listing would also require federal agencies to ensure that any action carried out, authorized or funded by the U.S. government would not jeopardize the continued existence of the protected species.

Image: Southern rockhopper penguin (*Eudyptes chrysocome*), via [Wikipedia](#)