

### 3. **ENDANGERED SPECIES: Bush admin proposes protections for 7 penguin species** (12/17/2008)

**Allison Winter, E&E reporter**

The Fish and Wildlife Service proposed Endangered Species Act protection for seven penguin species today, but declined special protection for three other penguin species that environmentalists say are threatened by global warming.

The move will give "threatened" or "endangered" species status to seven penguin species near New Zealand, Southern Africa and South America. The agency details the plans in a set of three rules set for publication in tomorrow's *Federal Register*.

But the proposal is a blow to environmentalists who sued the service in an effort to protect 10 penguin species whose habitat could be shrinking as the planet warms. The administration denied protection for the most ice-dependent penguin species, saying global warming impacts are too "uncertain" to warrant protecting the species.

"For the species proposed for listing, today's decision is an important step forward. However, for the emperor penguin, it is a step closer to extinction," said Shaye Wolf with the Center for Biological Diversity, which sued the government to hurry the listing decision.

Most species listed under the endangered species law live in the United States, but the list also includes more than 500 foreign species. For those, U.S. protections center on regulations and import restrictions, according to FWS.

The service proposed "threatened" status for one of the world's largest penguin species, the yellow-eyed penguin, and one of its smallest, the white-flipped penguin -- both found near New Zealand. The Humboldt penguin, found in coastal Peru and Chile, would also be added to the threatened list, along with two other New Zealand species, the erect-crested penguin and Fiordland crested penguin.

The African penguin, found on islands along the southwest coast of Africa, would gain endangered species status.

All the species face various threats to their habitat and food sources. For instance, commercial fishing and oyster dredging have contributed to the decline of the yellow-eyed penguin, according to FWS. Fishing operations accidentally catch the penguins as bycatch, and oyster dredging has modified the local marine habitat it depends on for food.

The agency proposed listing the southern rockhopper penguin in part of its range and found that listing is not warranted for the northern rockhopper, macaroni or emperor penguins.

In its petition to list all 10 of the penguin species, the Center for Biological Diversity said industrial fishing and climate change have led to their decline across the Southern Hemisphere. A primary penguin food, krill, has declined by as much as 80 percent in the past 30 years, the group says.

FWS is up against a legal deadline to propose the rules by Friday. The proposed listings are open to public comment for the next two months and could be finalized under the incoming Obama administration.