

***Questions and Answers:  
90-day Petition Finding for 12 Species of Penguins***

---

**Q: What action is being taken today?**

**A:** On November 29, 2006, the U.S. Fish and Wildlife Service received a petition from the Center for Biological Diversity to list 12 species of penguins under the Endangered Species Act. The 12 proposed species live in a range of habitats in the Antarctic, sub-Antarctic, and southern oceans and include the Emperor Penguin, the largest penguin species, smaller species with circumpolar range, such as the rockhopper, several species endemic to New Zealand and Australia and coastal species of Peru, Chile and South Africa. The petition asks that seven of the species be listed as endangered and five as threatened.

Section 4 of the Endangered Species Act requires that the Service make a finding on whether a petition to list, delist or reclassify a species, contains substantial information indicating that the petitioned action may be warranted. That finding is to be made within 90 days, to the maximum extent practicable, after receipt of the petition and is to be published in the Federal Register. Findings are based on information included in or referenced by the petition.

The Service conducted a preliminary review of the information provided in the petition and issued a 90-day finding that for 10 of the 12 petitioned species, the petition provided substantial information to indicate that listing may be warranted. Today's finding is called a positive 90-day finding for these ten species under the provisions of the Endangered Species Act.

**Q: What happens next?**

**A:** The Service is initiating a more thorough status review of the species and will issue a second finding, called a 12-month finding, indicating whether the petitioned action is warranted. When the 12-month finding is issued, the Service will determine whether to propose any or all of the penguin species for inclusion on the Federal List of Endangered and Threatened Wildlife and Plants. There are three possible options available to the Service at the conclusion of the status review. The Service may decide that the listing is not warranted for some or all of the species. If the listing is determined to be warranted for any of the species, the Service may issue a formal listing proposal or determine that the listing is warranted but precluded by the need to conduct other higher priority listing actions. If a warranted but precluded designation is issued for any of the species, the affected species will automatically be added to the list of candidate species for Endangered Species Act protection.

**Q: What are the threats cited by the petition?**

**A:** The petition covers a range of species with unique distributions, habitats and life histories. For each of the petitioned species the petitions provide information on a variety

of ongoing threats, among them commercial fishing and competition for prey, breeding habitat loss, impacts of non-native predators, contaminants and pollution. The petition also presents information on longer term climate change impacts on sea ice, habitat and prey. The petition discusses the range of threats for each species as well as the interaction between threats.

**Q: If any or all of the species are ultimately granted Endangered Species Act protection, what kinds of actions might be considered to address identified threats?**

**A:** Discussion of any actions prior to determinations, both on the 90-day finding and a possible status review, would be premature. However, it can be noted that existing international bodies as well as the national governments of penguin range countries, may already be engaged or have the potential to be further engaged on immediate factors such as habitat loss, fisheries interactions, and predation, as well as on longer term factors, such as climate impacts, which the petition maintains may be affecting penguin species.

**Q: Which penguin species are included in the petition?**

**A:** The petition seeks to list the emperor penguin (*Aptenodytes forsteri*), southern rockhopper penguin (*Eudyptes chrysocome*), northern rockhopper penguin (*Eudyptes moseleyi* (*E. chrysocome moseleyi*), fiordland crested penguin (*Eudyptes pachyrhynchus*), snares crested penguin (*Eudyptes robustus*), erect-crested penguin (*Eudyptes schlegeli*), white-flippered penguin (*Eudyptula albosignata*, (*E. minor albosignata*), yellow-eyed penguin (*Megadyptes antipodes*), African penguin (*Spheniscus demerus*), and Humboldt penguin (*Spheniscus humboldti*) as threatened or endangered under the Endangered Species Act.

**Q: Are these penguins protected under the Convention on International Trade in Endangered Species (CITES) or other international or national measures?**

**A:** Two of the species, the Humboldt penguin and the South African penguin are listed on CITES Appendix I and II, respectively. One penguin species not subject to the petition, the Galapagos penguin, is listed as endangered under the Endangered Species Act. Depending on the species, they, or their habitats may be covered by measures enacted by international bodies covering Antarctic and sub-Antarctic resources or by national governments of penguin range states to protect or manage penguins and their habitats. In general, since there is not significant commercial trade in any of these species, listing under CITES would not provide significant benefits.