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The hellbender lawyers up: Conservationists sue for endangered status for Pa. state amphibian

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York Daily Record

The snot otter has lawyered up.

Well, technically, the [Eastern hellbender salamander](#) hasn't called Saul, but the species is the subject of proposed litigation that could determine its very survival.



[The Center for Biological Diversity](#) and several conservation organizations, including the Waterkeepers Alliance and the Middle and Lower Susquehanna Riverkeepers, have filed a notice to sue the U.S. Fish and Wildlife Service over its 2019 ruling denying the eastern hellbender endangered species status.

Specifically, the 13-page document outlining the legal case for the hellbender asserts that the Fish and Wildlife Service violated the Endangered Species Act when it denied the salamander protected status.

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The quest to gain protected status for the salamander that is Pennsylvania's official state amphibian has been a lengthy journey, beginning in April 2010 when the center first petitioned the service to add the hellbender to the endangered species list.

"It's, unfortunately, not uncommon for petitions ... to not result in the protection of species for a decade," said Brian Segee, who, as the center's senior attorney, serves as the hellbender's legal counsel. "Many species have gone extinct while waiting for action."

The hellbender – so named, it is said, by early American settlers who described it as “a creature from hell where it's bent on returning” – is the largest salamander in North America. Its lineage goes back 65 million years, to the time of the dinosaurs. It survived the cataclysm that killed the dinosaurs and the Ice Age, and now, because of human beings, it is in danger of extinction in the Information Age.

They were once plentiful in the waters of the Susquehanna watershed, but now their numbers are dwindling, their habitat being destroyed and poisoned by human activity.

Peter Petokas, a research associate with the Clean Water Institute at Lycoming College who has studied the hellbender for more than 15 years, said 95 percent of the species' habitat in the Susquehanna watershed “no longer exists.”

“There are some small pockets of them left,” he said. “But the hellbender no longer exists in the Upper Susquehanna or in the main stem of the river. There's been some new information on the Tennessee Valley that concluded the hellbender was on its way out. The situation is much more dire in the Susquehanna watershed.”

The hellbender is an important species because it serves as “the canary in the coal mine,” an indicator of the overall ecological health of a waterway. Just about every threat to the ecological health of the river and the Chesapeake Bay threatens the hellbender's existence.

If granted endangered status, the hellbender would win legal protection, making it more difficult for projects that may harm the species' habitat to win approval. It would also lead to more funding to develop recovery plans for the species, a project that Petokas has been working on for a decade and a half.

And the quest to gain protected status for the hellbender illustrates the frustration conservationists feel when they ask the Fish and Wildlife Service to prevent the extinction of species.

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The center first petitioned the government to protect the hellbender on April 20, 2010. Five months later, the service found that “the petition presented substantial scientific information indicating that listing may be warranted because of ‘habitat loss and overuse,’ as well as other factors,” according to the legal notice filed this week.

The petition languished. In June 2013, the center filed suit to compel the service to issue a decision protecting the hellbender, litigation that resulted in a settlement two months later to list the species as endangered by the end of September 2018.

Petokas recalled a meeting with the service during which he and other experts were asked to predict what the species’ population would be in a century. “There is no way we could do that,” Petokas said.

In July 2018, the service issued its assessment of the hellbender’s status. That assessment concluded that, according to experts’ judgement, “(the) Eastern hellbender “is predicted to decline over the next 25 years.”

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The assessment went up the chain, and in April 2019, the service rendered its decision that listing the hellbender as endangered or threatened “is not warranted,” determining that its review indicated that “the stressors acting on the eastern hellbender and its habitat, either singly or in combination, are not of sufficient imminence, intensity, or magnitude” to warrant endangered status.

Advocates for the hellbender believe politics played a role in the ruling, that in the Trump administration, the career employees of the Fish and Wildlife Service “were trying to tread lightly,” Petokas said.

Daniel Estrin, general counsel and advocacy director for the Waterkeeper Alliance, described the Trump administration’s refusal to protect the hellbender as “scientifically and legally indefensible.”

Segee said, “Hopefully, the Biden administration will be willing to take another look at the hellbender. But we don’t know.”

The Fish and Wildlife Service declined to comment about the suit, saying it cannot comment on pending litigation.

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