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Contact: Eva Dillard, Black Warrior Riverkeeper, (205) 458-0095,
edillard@blackwarriorriver.org

Kristine Akland, Center for Biological Diversity, (406) 544-9863,
kakland@biologicaldiversity.org

Lawsuit Launched to Overturn Approval of Destructive Coal Mine in Alabama

Mays No. 5 Mine Pushing Threatened Flattened Musk Turtle Closer to Extinction

BIRMINGHAM, Ala.— Two conservation groups filed a formal [notice](#) today of their intent to sue the Office of Surface Mining Reclamation and Enforcement, Alabama Surface Mining Commission and U.S. Fish and Wildlife Service over a controversial open-pit coal mine on the banks of the Mulberry Fork of the Black Warrior River in Alabama.

Mays No. 5 Mine is located on a brownfield site that has already been subjected to extensive land leveling, excavation, roads and demolition from previous industrial activities. The groups state that the operation of the mine, which is immediately upstream of a Birmingham drinking water intake, is causing runoff from the mine site and harming flattened musk turtles that live downstream.

Today's notice was filed by Black Warrior Riverkeeper and the Center for Biological Diversity. It notes that, in violation of the Endangered Species Act, the agencies failed to consider the mine's impact on a population of flattened musk turtles, a species threatened with extinction.

"The flattened musk turtle is Alabama's only endemic aquatic turtle and it's exceedingly rare, so there is a very real urgency to protecting this species that regulators don't seem to share," said Black Warrior Riverkeeper Nelson Brooke.

The flattened musk turtle is a small turtle found only in the upper Black Warrior River watershed, including the Mulberry Fork. Sedimentation from surface coal mining and the legacy effects of surface coal mines are the primary threats to the species. Habitat degradation has left the turtles clinging to existence on only an estimated 7% of their historic range.

"This surface coal mine isn't just a threat to these special turtles, but also to clean water for the people of Birmingham and our climate future," said Kristine Akland, a staff attorney at the Center for Biological Diversity. "State and federal officials can't keep rubber-stamping dirty projects on the Mulberry Fork or anywhere else."

For a flattened musk turtle photograph by Mark Bailey, [click here](#).

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The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.7 million members and online activists dedicated to the protection of endangered species and wild places.

Black Warrior Riverkeeper's mission is to protect and restore the Black Warrior River and its tributaries. The citizen-based nonprofit organization promotes clean water for the sake of public health, recreation and wildlife habitat throughout the Black Warrior River watershed.