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### **Agencies Warned Alabama Coal Mine May Violate State and Federal Laws**

BIRMINGHAM, *Ala.* — Two conservation groups today notified state and federal agencies, as well as Mays Mining Incorporated, that they intend to sue over the approval of a mine on the banks of the Mulberry Fork in Alabama.

The groups said the Mays No. 5 Mine, a controversial surface coal mine, appears to be operating outside the bounds of its authorizing permit, resulting in pollution of the Black Warrior River's Mulberry Fork. Unpermitted discharges are harming threatened flattened musk turtles that live downstream from the mine and contaminating a primary source of drinking water for the city of Birmingham.

Today's notice was filed by Black Warrior Riverkeeper and the Center for Biological Diversity and contains extensive photographic evidence that appears to show that the Mays No. 5 Mine is violating multiple laws set in place to protect Alabama's endangered species and rivers from harmful surface-mining operations.

"No entity should be allowed to pollute the river in a manner which threatens drinking water and rare wildlife without being held accountable to the law," said Black Warrior Riverkeeper Nelson Brooke.

The flattened musk turtle is a small turtle unique to 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. The photographic evidence appears to show that the Mays No. 5 Mine is producing harmful runoff into the Mulberry Fork.

"This surface coal mine highlights the fact that the rules put in place to protect flattened musk turtles and the Black Warrior River itself aren't being honored by the very agencies that put them in place," said Kristine Akland, a staff attorney at the Center. "Surface coal mines can't be allowed to operate without a permit and pollute a primary source of drinking water. It puts wildlife and people alike at serious risk."

Today's supplemental notice of intent was sent to the Alabama Surface Mining Commission, Office of Surface Mining Reclamation and Enforcement, U.S. Fish and Wildlife Service, and Mays Mining Incorporated.

To view the Notice of Intent to Sue, [click here](#).

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.*