

## Endangered Species Act/Citizen Suit Action: Center for Biological Diversity Notice of Intent to Sue Mazda Toyota Manufacturing, U.S.A., Inc. and Huntsville, Alabama



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The Center for Biological Diversity and Tennessee Riverkeeper (collectively “CBD”) sent an August 14th Sixty-Day Notice of Intent to Sue Mazda Toyota Manufacturing, U.S.A. (“Toyota-Mazda”) and the City of Huntsville, Alabama, over alleged violations of the Endangered Species Act (“ESA”).

The alleged violations are stated to be associated with the construction and operation of a Toyota-Mazda automobile plant in Huntsville, Alabama.

The alleged ESA violations are stated to be associated with what is stated to be associated with an “on-going and imminent take of the spring pygmy sunfish from the construction and operation of the Toyota-Mazda automobile plant” in violation of Section 9 of the statute.

The organizations state that the automobile plant will be constructed and operated directly adjacent to occupied habitat for the spring pygmy sunfish in the Beaverdam Spring and Creek Complex. It is further stated that:

One of the primary causes of harm and death to the spring pygmy sunfish—and a principal reason why the sunfish is protected under the ESA—is development in and around its spring and spring-fed habitat. The construction of the Auto Plant involves removal of vegetation, clearing of land, and construction of a massive facility with associated parking lots, all of which are likely to negatively impact water quality, water quantity, and aquatic vegetation in the sunfish’s occupied habitat.

CBD argues that the automobile plant will cause an ESA “take” of the spring pygmy sunfish by killing, wounding, harassing, and/or harming sunfish. They further argue that mitigation measures that have been developed cannot avoid the take entirely and that they must be included in a habitat conservation plan (including a binding incidental take permit issued by the United States Fish and Wildlife Service).

A copy of the [August 14th letter](#) can be found here.