

Second, the proposed mine is located in a unique geographic area. The 12,000-acre project area borders the Okefenokee Swamp. “The Okefenokee is like no other place on earth.”⁴⁶ In 1937, the Swamp was designated as a National Wildlife Refuge, and it remains the largest refuge in the eastern United States.⁴⁷ It is also a National Natural Landmark, a designation reserved for “the best examples of biological and geological features” in the country.⁴⁸ It is home to over 620 species of plants, 233 species of birds, 39 species of fish, 37 amphibians, 64 reptiles, and 50 mammals, and has been named a “Wetland of International Importance” through the Ramsar Convention.⁴⁹

Third, as discussed throughout these comments, much of the information on aquatic impacts is incomplete or uncertain. “Preparation of an EIS is mandated where uncertainty may be resolved by further collection of data or where the collection of such data may prevent ‘speculation on potential...effects.’”⁵⁰

Fourth, the potential effects of the proposed mine are likely to be highly controversial—assuming Twin Pines’ forthcoming studies and information will argue that mining would do no harm. The proposed application has already sparked controversy among agencies, academics, scientists, and concerned citizens. As shown throughout these comments, there is “a substantial dispute about the size, nature, or effect” of the proposed action.⁵¹

There will likely be controversy in the ordinary sense of the term as well. Within days of the submittal of Twin Pines’ application, both local and national media outlets reported on the application, from the Savannah Morning News⁵² to the Washington Post and New York Times.⁵³

⁴⁶ U.S. Fish and Wildlife Serv., *About the Refuge*, <https://www.fws.gov/refuge/Okefenokee/about.html>; see also Georgia Laws 1919, at 1424–26 (“Congress Urged to Establish a National Park in Okefenokee Swamp”) (“[N]ature herself worked hard and furnished here a natural sanctuary... the dense jungles in which birds and animals hide themselves from danger will disappear unless protected, and the great forests, jungle and swamp which form the headwaters for two great rivers will disappear unless steps are taken to preserve the same.”).

⁴⁷ U.S. Fish & Wildlife Serv., *Okefenokee at a Glance*, <https://www.fws.gov/uploadedFiles/OkefenokeeGlance.pdf>.

⁴⁸ Nat’l Park Serv., *National Natural Landmarks Program*, <https://www.nps.gov/orgs/1211/index.htm>.

⁴⁹ Ramsar Convention, *Wetlands of International Importance*, <https://www.ramsar.org/about/wetlands-of-international-importance-ramsar-sites>.

⁵⁰ See *Ocean Advocates v. U.S. Army Corps of Eng’rs*, 402 F.3d 846, 870 (9th Cir. 2004) (citations omitted).

⁵¹ See *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1212 (9th Cir. 1998); *Am. Bird Conservancy, Inc. v. FCC*, 516 F.3d 1027, 1033 (D.C. Cir. 2008).

⁵² Mary Landers, *Strip Mining Planned Next to Okefenokee National Wildlife Refuge*, July 15, 2019, <https://www.savannahnow.com/news/20190715/strip-mining-planned-next-to-okefenokee-national-wildlife-refuge>.

⁵³ Russ Bynum, *Company Wants to mine at edge of protected Okefenokee Swamp*, July 16, 2019, https://www.washingtonpost.com/business/company-wants-to-mine-at-edge-of-protected-okefenokee-swamp/2019/07/16/cd427b34-a7ee-11e9-8733-48c87235f396_story.html?utm_term