

The controversy echoes an earlier debate from 1997, when DuPont announced a similar plan to mine thousands of acres immediately north of the Twin Pines site. Then-Secretary of the Interior Bruce Babbitt visited the Okefenokee that April to oppose the mine, saying:

“I don’t think that kind of dredging and sand-mining operation is an appropriate neighbor for a national wildlife refuge.”

Despite DuPont’s assurances that it would take whatever steps were necessary, Secretary Babbitt stressed, “You can study this, you can write all the documents in the world, but they are not going to prove beyond a reasonable doubt that there will be no impact.”⁵⁴ Local communities and conservation groups have been opposing titanium mining on Trail Ridge adjacent to the Okefenokee Swamp for over two decades since, and the controversy is likely to continue with the Twin Pines proposal—as evidenced by the over 20,000 public comments submitted to date.

Fifth, if the Corps were to grant a permit for the first phase of the mining project, it would likely establish a precedent for future actions and cause cumulatively significant impacts.⁵⁵ Twin Pines’ application seeks a permit for Phase One of the mining project (approximately 2,414 acres), but the complete project site is approximately 12,000 acres. Thus, the permit covers only around 20 percent of the full project. As discussed further in Section IV(A)(3), below, there is also a reasonable probability of future mining proposals in the area which would rely on the Corps’ determinations on this permit.⁵⁶

Sixth, the proposed project threatens a violation of federal law or requirements for protection of the environment.⁵⁷ Here, the proposed mining project threatens to violate the U.S. Fish and Wildlife Service’s ability to fulfill substantive management requirements for protecting Okefenokee Refuge.⁵⁸ To meet its statutory mandate to “ensure the biological integrity, diversity and environmental health of the [National Wildlife Refuge] System,”⁵⁹ refuge policy directs the

=.d7f7fe5ce05b, <https://www.nytimes.com/aponline/2019/07/16/us/ap-us-okefenokee-mining-plan.html>.

⁵⁴ See generally, David R. Osier, “A strip mine next door to Georgia’s greatest natural wonder could alter it forever,” *GEORGIA JOURNAL* (Sept./Oct. 1997) (attached as Ex. G); USFWS Letter at 2.

⁵⁵ For example, DuPont (now Chemours)’s Florida Mines on Trail Ridge have expanded northward over the decades. See Regional Map, Fig. 3, below.

⁵⁶ In addition, this is a resource of regional importance to surficial waters and aquifers which interactions are increasingly understood to be highly interconnected throughout South Carolina, Georgia, Florida, and Alabama via the Floridan and other aquifers. Connections and interconnections with the Okefenokee are only dimly understood, but they exist. However, even if there is no connection to waters further away than the St. Marys and Suwanee River and underlying aquifer systems, the precedent of granting a permit such as what is proposed without the thorough review engendered by a full EIS is patently unwarranted and exceptionally dangerous.

⁵⁷ 40 C.F.R. § 1508.27(b)(10).

⁵⁸ See 16 U.S.C. §§ 668dd–668ee (Refuge Administration Act).

⁵⁹ 16 U.S.C. §§ 668dd(a)(4)(B).