

present and future generations of Americans.”²¹⁷ As the Charlton County Historical Commission put it:

The Okefenokee is more than a general wildlife refuge. It represents an attempt to hold in trust for all the people—sightseers, students, artists, naturalists, photographers, fishermen—this amazing lost world, with its beautiful mirrored lakes, covered with aquatic bloom, bordered by moss-bearded trees, landscaped only by nature, providing scenic effects of haunting, mysterious beauty.²¹⁸

As demonstrated throughout these comments, the proposed mine would pose substantial and unnecessary risks to a unique public resource in violation of the public interest. Because the environmental and social costs to the community outweigh the narrow economic benefits of the proposed mine, the Corps should deny the application.²¹⁹

VI. The proposed project violates the Endangered Species Act.

A. Potential Impacts to Individual Species

As an initial matter, the application does not consider the true area to be impacted by the project, and thus fails to examine the full range of species that will be affected. Despite the applicant’s assertions otherwise, it is likely that hydrological impacts, when coupled with the conversion of Trail Ridge habitat, will impact several species that are found within the larger Refuge ecosystem as well as downstream in the St. Marys and Suwannee Rivers.

Twin Pines’ application wrongly concludes that “Based on the implementation of ... conservation measures, the proposed Project is not expected to have a significant effect on threatened and endangered species.”²²⁰ Yet they have failed to demonstrate the veracity of their assertion and, as discussed in greater detail below, evidence demonstrates either that (1) the proposed mine is likely to impact several species; or (2) an insufficient amount of information exists to rule out the potential for negative impacts to several listed species and other species of concern.

1. Endangered Species

a. Atlantic and Shortnose Sturgeon

Both the shortnose and Atlantic sturgeon are present in the St. Marys River, the headwaters of which are formed by the Okefenokee Swamp. Sturgeon use freshwater rivers such as the St. Marys to spawn and as juvenile habitat. Although Atlantic sturgeon travel to deeper marine waters for part of their lifetimes, shortnose sturgeon spend most of their time in their

²¹⁷ 16 U.S.C. § 668dd(2).

²¹⁸ Charlton County Historical Commission, Charlton County Georgia: Historical Notes 1972, at 204.

²¹⁹ 33 C.F.R. § 320.4(a)(1).

²²⁰ Permit Application at 34.