

**a. Shortnose and Atlantic Sturgeon**

First, the Corps must engage NMFS in a Section 7 consultation on the endangered shortnose sturgeon and the Atlantic sturgeon, whose South Atlantic DPS is endangered. Both species are present in the St. Marys River, the headwaters of which are formed by the Okefenokee Swamp. This mining project will inevitably result in increased sediment loads to the river. This poses a threat to the shortnose and Atlantic sturgeon, which are vulnerable to such increases and use the St. Marys River for spawning habitat. There is a reasonable possibility that the project *would* result in jeopardy to the shortnose and Atlantic sturgeon because, as discussed earlier, so few relevant members of the species remain that the loss of only a few members can have an appreciable effect on the overall population. The surviving sturgeon are also acutely vulnerable to point source pollution, fluctuations in temperature, and changes in dissolved oxygen levels—all of which may travel from the proposed mine to their habitat. To this point, insufficient information exists to determine if and to what extent the shortnose and Atlantic sturgeon would be impacted by any such changes in their environment due to the proposed project. The agencies must make this determination when fulfilling their consultation obligations.

**b. Gulf Sturgeon**

The Corps must also engage NMFS in a Section 7 consultation on the threatened Gulf sturgeon, which may be affected because it utilizes the Suwannee River for spawning and nursery purposes. This river's headwaters are formed by the Okefenokee Swamp. Insufficient data currently exists to make a no jeopardy determination for the species because the application fails to include meaningful information about hydrologic impacts that could be used to analyze the potential impacts of water withdrawals on the species and how an altered hydrological regime would affect spawning Gulf sturgeon.

**c. Hairy Rattleweed**

The Corps and the Service must consult on the endangered hairy rattleweed, which occurs in the Refuge, because it may be affected by a change in hydrology and increased wildfires. The application currently lacks sufficient evidence to demonstrate that the project not jeopardize the hairy rattleweed.

**d. Red-Cockaded Woodpecker**

The application fails to demonstrate that there would be no jeopardy to the red-cockaded woodpecker, given that it would only worsen habitat fragmentation, may eliminate foraging habitat, and would cause disturbances such as light, noise, and smoke pollution.

**e. Florida Panther**

Twin Pines fails to incorporate sufficient information to ensure its mine would not result in jeopardy to the endangered Florida panther, a species that, even in light of successful recovery efforts, suffers low population numbers due to habitat loss and fragmentation. In one analysis,