

condition.<sup>282</sup> Congress defined “Wilderness” as “an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain” and “an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions.”<sup>283</sup> The area also must provide “outstanding opportunities for solitude or a primitive and unconfined type of recreation.”<sup>284</sup>

Under the Wilderness Act, Congress determined that the Department of Interior (DOI) and Department of Agriculture should be in charge of administering any wilderness area set aside. Other Federal agencies are charged with the responsibility of “preserving the wilderness character” of these special places.<sup>285</sup>

In the Act, wilderness areas “shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.”<sup>286</sup> They were not to be exploited for commercial gain.<sup>287</sup> And, except in emergency situations, the DOI was to exclude all motorized vehicles.<sup>288</sup> Wilderness areas are intended to be a place where individuals can experience natural soundscapes and darkened night skies unmarred by human-caused noise and light, an area that can provide the visitor a sense of remoteness and solitude.

The Wilderness Act requires that wilderness areas and their “community of life are [left] untrammelled by man” and that their “primeval character and influence . . . are preserve[d] in [their] natural condition.”<sup>289</sup> Congress concluded that it is only in this manner that the solitude and primitive nature of these special places can remain unspoiled. Of all federal lands in this country, wilderness areas are the only ones that are designed so that individuals can escape all the trappings of modern life. The proposed Twin Pines mine would thwart what Congress was trying to achieve when it designated the Okefenokee Wilderness.

Recognizing the iconic nature of the Okefenokee Swamp, Congress set aside 353,981 of the 438,000-acre swamp as a National Wildlife Refuge in 1937.<sup>290</sup> As one commentator explained, “the National Wildlife Refuge System is the nation’s most valuable asset for ecological conservation.”<sup>291</sup> One of the central goals of the Refuge system is to “Conserve those ecosystems, plant communities, wetlands of national or international significance, and landscapes and

---

<sup>282</sup> 16 U.S.C. §§ 1131-36.

<sup>283</sup> *Id.* § 1131.

<sup>284</sup> *Id.*

<sup>285</sup> *Id.* § 1131(b).

<sup>286</sup> *Id.*

<sup>287</sup> *Id.* § 1131(c).

<sup>288</sup> *Id.*

<sup>289</sup> 16 U.S.C. § 1131.

<sup>290</sup> USFWS Letter. Bruce Babbitt, then Secretary of the Interior, played a key role in shepherding an organic act for the century-old refuge program through Congress. *See* USFWS, News Release, “Interior Secretary Babbitt endorses unprecedented legislation defining mission and priority public uses of the National Wildlife Refuge System,” 1997 WL 222781 (May 2, 1997).