

The Refuge Administration Act also sets forth one of the strongest legislative mandates for ecosystem protection on public lands and waters, directing the Service to “ensure that the biological integrity, diversity, and environmental health [BIDEH] of the System are maintained for the benefit of present and future generations of Americans....”³¹⁸ The BIDEH policy provides refuge managers with a process to prevent further degradation of environmental conditions on refuges and, where appropriate, restore lost or severely degraded components.³¹⁹ Notably, fragmentation of refuge habitat is considered a direct threat to the integrity of the Refuge System.³²⁰ Upholding BIDEH could prove difficult, if not impossible, if the mine alters the hydrology of the Okefenokee Swamp. The Act further directs the Service to “assist in the maintenance of adequate water quantity and water quality to fulfill the mission of the System and the purposes of each refuge” and to “acquire, under State law, water rights that are needed for refuge purposes.”³²¹ These clear duties provide important protections for imperiled species and other plants and animals, aquatic ecosystems and other biological resources dependent on the Refuge and should be relevant to decision on whether to permit the Twin Pines mining project.

The Service has already raised significant concerns that the proposed mine poses substantial threats to the Refuge, could permanently disrupt the hydrology of the swamp and take imperiled species.³²² Moreover, as discussed elsewhere in these comments, Twin Pines’ assertion that 3.73 miles provides a “substantial buffer of protection for this sensitive resource” from mining impacts is wholly unsubstantiated, notwithstanding future phases of the project.³²³ Okefenokee Refuge safeguards a rich diversity of flora and fauna, from rare insect-eating pitcher plants, delicate swamp iris, water lilies, cypress and live oaks, to great blue herons, sandhill cranes, white ibises, bald eagles, water moccasins, alligators, river otters, bobcats, bats and Florida black bears. The Refuge is among the last sanctuaries of even more precious species, among them the imperiled gopher tortoise and gopher frog, the threatened indigo snake and frosted flatwoods salamander, and the endangered red-cockaded woodpecker and wood stork. The Refuge is simply too important to risk damaging. Given that the proposed mine could significantly degrade the Refuge and thwart the Service’s ability to uphold its wildlife conservation mandates, the Corps should deny Twin Pines’ the requested Clean Water Act permit or at minimum require an EIS.

IX. Before granting a Section 404 permit, the Corps must ensure that the proposed mine would not cause changes to surface or groundwater quantities that would impact the Okefenokee National Wildlife Refuge or the Okefenokee Wilderness Area.

lands.”) (quoting the *State of Minnesota by Alexander v. Block*, 660 F.2d 1240, 1249 (8th Cir. 1981)).

³¹⁸ 16 U.S.C. § 668dd(a)(4)(B)

³¹⁹ 601 FW 3, U.S. Fish and Wildlife Service Biological Integrity, Diversity and Environmental Health Policy.

³²⁰ 603 FW 2, U.S. Fish and Wildlife Service Compatibility Policy.

³²¹ 16 U.S.C. § 668dd(a)(4)(F)-(G).

³²² See USFWS Letter.

³²³ Permit Application at 5.