

consultants state in the introduction of the Adirondack property survey that it covers the Keystone property.³³⁶

But even more important, since the project area is only the first phase of a multi-phased mining project that will cover the entire 12,000-acre Twin Pines tract, the cultural resources surveys should encompass the entire 12,000-acre tract, as well as any areas outside of the tract that containing historic properties that could be adversely affected by any mining on the 12,000-acre tract. Until the Corps conducts cultural resources surveys on this larger legally acceptable APE, it has not met the requirements of the NHPA. And until the Corps makes these new surveys available to the public for comment, it has not met its duty to provide an opportunity to be involved in the permit process.

B. Twin Pines did not dig its test pits to the proper depth

Even in the areas where the consultants did search for historic and cultural resources, they did not take the hard look that is required. As Terracon states in its report, when the consultant was using test pits for its archeologic investigation, it did not dig the test pits deep enough. Since this is such a critical element of archeological work, Terracon obtained a second opinion on this issue from Geoarcheology Research Associates, which specializes in answering questions of this nature. Geoarcheology concluded that Terracon is correct that the consultants did not dig its test pits sufficiently deep. Geoarcheology explained that there could be historic or prehistoric resources between the 60 cm depth that the consultant dug its test pits and the 80 cm depth that they should have reached.³³⁷ In short, the consultants dug their 6,224 test pits 25 percent too shallow.

C. There is no indication that Twin Pines has shared its surveys with the State Historic Preservation Officer.

Had Twin Pines shared the surveys with the State Historic Preservation Officer (SHPO), the deficiencies in the surveys would, in all likelihood, have been identified. However, there is no indication in the Twin Pines application that the consultant has provided the surveys to the SHPO. Similarly, there is no indication in the application that the consultant shared the surveys with any federally recognized Indian Tribes. Both forms of vetting are required by Section 106 of the NHPA.

Twin Pines must share the surveys with the public as well. The public is entitled to review a complete copy of the application. In this case, however, that is impossible. The

Resources Survey of the Twin Pines Minerals TIAA property in Charlton County, Georgia at 1 (June 2019) (“TIAA Cultural Review”).

³³⁶ Adirondack Cultural Review at 1.

³³⁷ Joseph Schuldenrein, Geoarcheology Research Associates, Geoarchaeological Review of A Phase I Cultural Resources Survey of the Twin Pines Minerals Adirondack Property in Charlton County, Georgia by Matt Lyons, Terra XPlorations, Inc., May 31, 2019 (August 26, 2019) (appended to Ex. P).