

Because we are so concerned about the adverse impacts that the proposed mine could cause, we would like to meet with you at your earliest convenience to discuss the mine.

The following comments address the flaws in Twin Pines' application under the National Environmental Policy Act, the Clean Water Act, the Endangered Species Act, the National Historic Preservation Act, the Refuge Administration Act, the Wilderness Act, and the Reserved Water Rights Doctrine. These statutes have complementary and often overlapping requirements. For example, both the Clean Water Act § 404(b)(1) Guidelines and NEPA require consideration of cumulative impacts. Although our comments are organized by statute, many of the issues implicate more than one statute.

I. Summary of Twin Pines' Mining Proposal

On August 7, 2018, Twin Pines met with federal agencies and proposed “to operate a 12,000-acre sand-derived minerals mine ... [which] would be mined in 1,000-acre phases over an approximate 30-year time period.”¹ Despite the enormity of the project and adverse impacts it would cause, Twin Pines was so bold as to request that the Corps authorize the proposed mine under a nationwide permit,² knowing that such permits are reserved for projects having “minimal adverse environmental effects.”³

Almost a year later, Twin Pines submitted its application for “Phase One” of the proposed project. To prepare the site for mining, Twin Pines would clear the land and burn the vegetation.⁴ Then Twin Pines would remove and stockpile the topsoil “two to six months in advance [of] mining activities.”⁵ Twin Pines would then excavate up to 70 feet in some places using a drag-line, a crane-like track machine equipped with a large bucket.⁶ The drag-line would proceed back and forth across the site scooping out heavy mineral bearing sand.

Twin Pines would stockpile the excavated material “nearby,” possibly to dewater, before conveying the material to separator plants on site that would remove the heavy minerals using centrifuges and groundwater from the Floridan aquifer.⁷ As the dragline continued advancing at a

¹ U.S. Army Corps of Engineers, Issue Paper: Twin Pines Minerals Mining Project (2018) (“USACE Issue Paper”) (attached as Ex. A); Letter from Donald Imm, U.S. Fish & Wildlife Serv., to Col. Daniel Hibner, U.S. Army Corps of Eng’rs (Feb. 20, 2019) at 1 (attached as Ex. B) (“USFWS Feb. 20, 2019 Letter”).

² E-mail from Christopher Stanford, TTL, to Jared Lopes, U.S. Army Corps of Eng’rs (July 23, 2018) (“Our main objective is to obtain a permit, preferably a NWP, for heavy mineral mining.”)

³ 33 U.S.C. § 1344(e).

⁴ Twin Pines Minerals, Surface Mining Land Use Plan, at 3–4 (July 25, 2019) (“SMLUP”) (attached as Ex. C).

⁵ *Id.* at 4. At a mining rate of 25–40 acres per month, anywhere from 50 to 240 acres could be cleared and stripped of topsoil at any one point in time.

⁶ Permit Application at 1, 4. Roughly one sixth of Phase One will be mined up to 25 feet deep using a different machine. *Id.* at 10.

⁷ *Id.* at 4–5; *see* App. F, Fig. 5.