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Advocates: Okefenokee mining moratorium good, but bill is flawed

By MICHAEL HALL mhall@thebrunswicknews.com
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A bill before the General Assembly that would place a three-year moratorium on the type of mining a company hopes to conduct near the Okefenokee Swamp has good intentions, but it doesn't do enough for the long-term protection of the swamp, environmental advocacy groups say.

As written in the bill, the moratorium would be meaningless, says Alice Keyes, vice president for coastal conservation of the advocacy group One Hundred Miles.

Legislators who have sponsored the bill say the moratorium will allow more data collection over the next three years as Twin Pines Minerals operates the 582-acre demonstration mine for which a draft permit has been issued at the edge of the swamp along Trail Ridge.



The company has plans to strip mine Trail Ridge for titanium, staurolite and zircon.

House Bill 1338 — which was introduced by Rep. John Corbett, R-Charlton County, and is co-sponsored by Rep. Rick Townsend, R-St. Simons Island, and Rep. Steven Sainz, R-St. Marys — seeks to impose a three-year moratorium on new permits for “surface mining utilizing dragline mining for heavy

mineral sands in areas for which no prior surface mining permit has been obtained.”

If passed, the moratorium would take effect July 1 and be in place until June 30, 2027. After that date, the bill sets a timeline of 180 days for an administrative law judge to issue a final decision following a petition for review of a permit that has been granted. If a judge’s final decision is not made in the 180-day period, the bill says permits “shall be affirmed by operation of law.”

Seeing a law that set a moratorium on mining near the swamp was at first a reason to celebrate, Keyes said. But reading the full text of the bill tempered that celebration, she said.

“The first thing that jumped out was that permittees who may not be in compliance could be approved by default,” Keyes said of the language affirming permits after the 180-day period.

The bill does not specifically mention the Twin Pines site or any geographic area, which means that post-moratorium, all mining sites using dragline methods would fall under the 180-day time period and be subject for approval even if they aren’t compliant, Keyes said.

The bill also includes language that the three-year moratorium “shall not be tolled or extended for any reason.”

“We believe this really is an effort to respond to the concerns about the mining,” Keyes said. “But we see it as a meaningless moratorium at this point.”

Corbett told the House Natural Resources and Environment Resource Management Subcommittee on Feb. 21 that the bill will open the door for more data about mining near the swamp with the hope of better informing future decisions.

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Ari Gordon, a lawyer working for Jones Fortuna, who represents Alabama-based Twin Pines Minerals, told the subcommittee the company has worked “diligently” with the state’s Environmental Protection Division and has retained nationally renowned groundwater hydrologists and other scientists to gauge the potential impacts of mining Trail Ridge.

Their work confirms “that the mining will not harm water levels in the Okefenokee Swamp, will not impact flows in the St. Marys River, and will not impact any other surrounding environmental interest,” Gordon said.

The mining will also not negatively impact the experience of visiting the swamp, he said.

While the company feels the moratorium is unnecessary, Gordon said it recognizes the importance of collecting data, which it is required to do as part of its draft permit for the demonstration mine.

He said the language in the timeline in the bill will prevent permittees from being negatively impacted by the often drawn out processes of approval.

“Simply put, Twin Pines cannot wait another five years after a future permit application is submitted for that permit to be issued,” Gordon said, adding that people’s livelihoods depend on the mine and that it will bring hundreds of jobs and millions of dollars to Charlton County.

But environmental groups have argued since Twin Pines first applied to mine near the Okefenokee that the operation will negatively impact the sensitive hydrology of the swamp, groundwater levels in and around it, and the flow of the St. Marys River, the headwaters of which are in the Okefenokee.

Amy Sharma, executive director of the group Science for Georgia, told the subcommittee that it is great to see legislators recognizing the importance of the swamp, but HB 1338 doesn’t do enough to truly protect it.

“As introduced this bill does nothing to address the complexity and careful consideration that this decision requires,” Sharma said. “It gives no new tools, resources or information to the EPD.”

Rena Ann Peck, executive director of the Georgia River Network, told the subcommittee that the bill as written sets up a different set of rules for people seeking permits for this specific type of mining.

If the goal of the bill, as Corbett said, is to provide more time to collect data, it doesn’t properly address what kind of data will be collected during the moratorium, Peck said.

Townsend said at the subcommittee hearing that he signed on to the bill because he thought it was a good bill. He said if the bill passes the House today, known as Crossover Day, there will still be time for the Senate to make changes.



Michael Hall