



## Twin Pine Minerals, LLC Permitting Update

Many projects or facilities, like the proposed Twin Pines Minerals, LLC (Twin Pines) heavy minerals sands demonstration mine in Charlton County, Georgia (Demonstration Mine) necessitate both federal and state environmental permits. The permits issued by the Georgia Environmental Protection Division (EPD) are separate and independent of any related federally-issued permits—*both* federal and state regulatory requirements must be fulfilled before a project can begin operations. For these projects, EPD does not complete its evaluation of state permit applications until the related federal approvals have been issued. This conserves EPD resources and avoids unnecessary duplication of effort by EPD and federal permitting authorities.

In November 2020, Twin Pines submitted its surface mining permit application to EPD for the Demonstration Mine. Twin Pines has since submitted related addenda and additional substantive documents. EPD has also received materials related to other potential state permits for the Demonstration Mine, including groundwater withdrawal, wastewater management, and air emissions.

The initial surface mining application followed an Approved Jurisdictional Determination (AJD) issued by the US Army Corps of Engineers (Corps) Savannah District Office on October 15, 2020. That AJD, and the one issued by the Corps Savannah District Office on March 24, 2021, concluded that 556 acres of wetlands were excluded from federal regulation. The Demonstration Mine has been the subject of intense community interest, shown in part by the number of comments received by the Corps during its review of the jurisdictional determination requests.

Because the Corps concluded that the wetlands were outside of federal jurisdiction in 2020, no federal permit was required and therefore the public would not have the opportunity to comment on such a permit. In response, EPD established a multi-step process for the review of applications for the proposed Demonstration Mine to allow for extensive public input in the evaluation of potential environmental impacts on the natural resources of the state. *See Twin Pines Minerals, LLC Permitting Fact Sheet* posted on February 8, 2021, at <https://epd.georgia.gov/twin-pines>. That fact sheet also outlined the requirement for an environmental provisions addendum for the Demonstration Mine, requesting information and material that would, in part, have been sought by Corps during its federal permitting review.

On June 3, 2022, EPD learned that the Corps concluded that requisite tribal consultation had not occurred before the October 15, 2020 and March 24, 2021 AJDs were issued. Consequently, the Corps directed its Savannah District Office to inform Twin Pines that it could not rely on those AJDs but could submit a request for a new AJD. If the Corps' new AJD establishes jurisdiction over areas affected by the proposed Demonstration Mine, a Section 404 permit will be required. In that event, it is likely that permit process laid out in EPD's February 2021 *Twin Pines Minerals, LLC Permitting Fact Sheet* will be revised. Additionally, the shape, form, and