



Twin Pine Minerals, LLC Second Permitting Update

On June 3, 2022, Georgia Environmental Protection Division learned of a directive by the Assistant Secretary of the Army for Civil Works (ASA/CW) to the U.S. Army Corps of Engineers (Corps) affecting the proposed Twin Pine Minerals, LLC (Twin Pine) heavy minerals sands demonstration mine in Charlton County, Georgia (Demonstration Mine). At that time, the ASA/CW had concluded that requisite tribal consultation had not occurred before the Corps issued its October 15, 2020 and March 24, 2021 Approved Jurisdictional Determinations (AJDs). Those two AJDs had concluded that the Demonstration Mine did not have an impact on federally regulated wetlands. Accordingly, withdrawal of those AJDs may have had an impact on the shape, form, and structure of the proposed Demonstration Mine and may have necessitated federal permitting.

Following that decision by the ASA/CW, Twin Pine filed a lawsuit in the U.S. District Court for the Southern District of Georgia, *Twin Pine Minerals, LLC v. U.S. Army Corps of Engineers, et al*, Civil Action No. CV 5:22-cv-00036 (Lawsuit). On August 22, 2022, EPD learned that the parties had settled the Lawsuit, and that the Corps had withdrawn its letter rescinding the AJDs.

As described in EPD's June 7, 2022 *Twin Pine Minerals, LLC Permitting Update*, where federally-issued permits and EPD-issued permits are both required for a project, EPD does not complete its evaluation of state permit applications until the related federal approvals have been issued. See <https://epd.georgia.gov/twin-pines>. EPD further stated that it was deferring action on all applications pending before it for the Demonstration Mine until either any required 404 permit was issued by the Corps, the Corps determined that a new AJD is no longer needed, or the Corps determined that a 404 permit is not required. With the settlement of the Lawsuit and the withdrawal by the Corps of the rescission of the AJDs, the Corps has determined that a new AJD is no longer needed and that a 404 permit is not required.

Because the 2020 and 2021 AJDs are now in effect, EPD will resume reviewing the state permit applications for the proposed Demonstration Mine. In doing so, EPD will follow the multi-step process outlined in its *Twin Pine Minerals, LLC Permitting Fact Sheet* posted on February 8, 2021 at <https://epd.georgia.gov/twin-pines>. This includes EPD's review of the environmental provisions addendum for the Demonstration Mine described in the *Fact Sheet*.

All updates from EPD on the proposed Demonstration Mine project will continue to be posted on <https://epd.georgia.gov/twin-pines>.