

NEWS

Georgia House punts on Okefenokee bills as mining fight rages on

Environmentalists and federal officials had said HB 1338 did little to protect the swamp. Separate bill backed by most House members remains bottled up in committee



Credit: Charles Seabrook

Georgia's world-famous wetland, the Okefenokee Swamp, is shown. (Charles Seabrook for The Atlanta Journal-Constitution)

By Drew Kann

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After racing to approval by a House committee last week, a bill that would have paused permitting of certain new mines near the Okefenokee Swamp — but had been called a sham by some conservationists — missed a critical deadline to receive a vote from the full chamber Thursday.

HB 1338 would have amended the Georgia Surface Mining Act of 1968 to place a three-year moratorium on issuance of new mining permits by the Georgia Environmental Protection Division (EPD). The proposal covered “dragline mining,” a technology that uses a massive bucket and pulley system to extract material.

That’s the same technology Alabama-based Twin Pines Minerals plans to use to pull titanium and zirconium from a 584-acre tract of Trail Ridge, an ancient sand dune complex that forms the eastern, hydrologic boundary of the swamp.

The swamp includes the Okefenokee National Wildlife Refuge, which is home to thousands of species of plants and animals, as well as enormous deposits of carbon-rich peat. The refuge is set to be nominated for listing as a World Heritage site.





Credit: AP

The sun sets over water lilies and cypress trees along the remote Red Trail wilderness water trail of Okefenokee National Wildlife Refuge, Wednesday, April 6, 2022, in Fargo, Ga. (AP Photo/Stephen B. Morton, File)

In early February, EPD released draft permits to Twin Pines' project, which has faced years of intense pushback from environmental groups and outside scientists who say mine could lower water levels in the Okefenokee, increasing wildfire frequency and placing wildlife at risk. The company and EPD disagree, arguing their analysis shows the mine will not harm the swamp.

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HB 1338 was sponsored by Rep. John Corbett (R-Lake Park), whose district includes the Okefenokee. A review of Corbett's campaign finance disclosures shows he has received \$2,250 in donations from Twin Pines since October 2021 and \$3,750 from the company's president, Steve Ingle, since October 2022. Twin Pines and Ingle have given thousands to other elected officials from Georgia in recent years.

Corbett's bill would have kept EPD from considering applications to expand the Twin Pines mine until at least mid-2027. It was introduced on Feb. 20 and two days later, was approved by the House Committee on Natural Resources and Environment.

In a Feb. 21 hearing, Corbett said the pause would give EPD more time to analyze impacts to the swamp. But the legislation included no specific requirements for data collection.

Amy Sharma, the executive director of the nonprofit Science for Georgia, said in the hearing that the three-year pause was meaningless and argued the bill "does nothing to address the complexity and careful consideration that this decision-making requires."

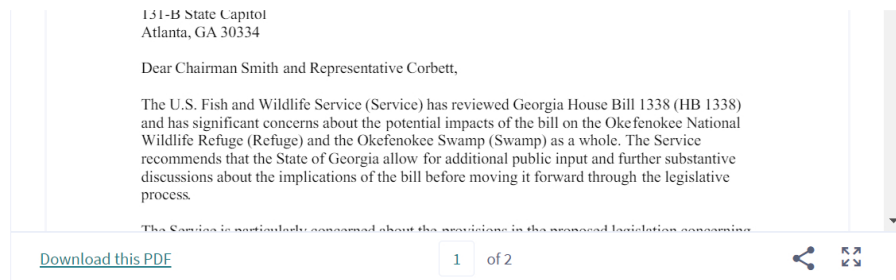
The bill also proposed limiting the time courts would have to review challenges to permitting decisions, something conservationists said could short circuit public engagement and proper judicial review.

If a permit issued by EPD were appealed, the bill would have given an administrative law judge 180 days to decide the case. If no ruling was made before the deadline, the permit would become final anyway. If the judge's ruling were appealed to superior court, the court's time to consider the case would shrink to just 90 days.

Those provisions also had caused unease at at least one federal agency, according to a letter shared with The Atlanta Journal-Constitution.

In a letter dated Feb. 27, Stephen Guertin, the acting director of the U.S. Fish and Wildlife Service, wrote to Corbett and Rep. Lynn Smith (R-Newnan), the chairman of the House Natural Resources and Environment Committee, expressing “significant concerns” about HB 1338.

[HB1338 Letter USFWS-Signed](#) by [malbright](#) on Scribd



Guertin wrote that placing time limits on judges to weigh permit challenges “could negatively affect the public’s ability to participate meaningfully in the permitting process.”

“The risks to this national treasure are too great to dispense with the public’s opportunity to review, understand, and comment on the permitting process through an arbitrary deadline,” he added.

Guertin also wrote that the aims of the proposed moratorium were commendable, but said the three-year pause was too short. Instead, he suggested a 10-year permitting halt would allow for a complete investigation of the risks of mining along the Okefenokee’s edge.

Corbett and Smith did not immediately respond to a request for comment on the letter.

HB 1338 could still resurface later this session, but its failure to receive a vote on Crossover Day, the General Assembly’s loose deadline for bills to pass at least one chamber, was cheered by environmentalists.

How to weigh in on Twin Pines’ permit

- Join EPD’s virtual public meeting at 6 p.m. ET on Tuesday, March 5
 - Register online here:
https://gaepd.zoom.us/webinar/register/WN_ff7nrdELQP0r0DaPwfxK3A#/registration
- Submit written comments to EPD at TwinPines.Comment@dnr.ga.gov

Josh Marks, the president of Georgians for the Okefenokee who has opposed mining efforts near the swamp for decades, said the public “exposed HB 1338 for the sham that it truly was, and the legislature listened.”

“Hopefully, Governor (Brian) Kemp was watching, fully realizes the public wants him to save Georgia’s greatest natural treasure, and he will withdraw the draft permits for Twin Pines’ dangerous project” he

greatest natural resource, and he will withdraw the draft permits for Twin Pines' dangerous project," he added.

The other bill targeting mining near the Okefenokee, which is backed by Marks and other environmental groups, also went without a Crossover Day vote.

HB 71, the Okefenokee Protection Act, would not block Twin Pines' current mining proposal, but it would prevent the project from expanding and prohibit new mining along the Okefenokee's eastern flank. The bill, which has support from more than 90 House members — greater than half of the chamber — remains bottled up in Smith's committee.

HB 71 received a committee hearing during the 2023 session, but has not gotten a vote or any further debate this year.

For Georgians who want to weigh in on Twin Pines' draft permits, the clock is ticking.

A 60-day public comment period that began Feb. 9 closes on April 9. EPD is also set to host a virtual public meeting on the permits at 6 p.m. on March 5 on the video conferencing platform, Zoom. Those interested in participating [can register here](#).

After the comment period has closed, the agency has said it will review all comments, make any necessary changes and make a recommendation to EPD Director Jeff Cown to issue or deny the final permits.

A note of disclosure

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About the Author

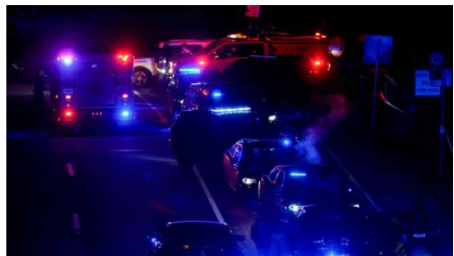


Drew Kann



Drew Kann is a reporter at The Atlanta Journal-Constitution covering climate change and environmental issues. His passion is for stories that capture how humans are responding to a changing environment. He is a proud graduate of the University of Georgia and Northwestern University, and prior to joining the AJC, he held various roles at CNN.

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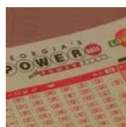
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