

A Resolution for the Okefenokee Swamp and against the Twin Pines Minerals strip mine
Draft of July 6, 2023

WHEREAS, Clinch County prides itself on timber, blueberries, and honeybees; and

WHEREAS, the citizens of Clinch County value the natural resources and outdoor recreation opportunities afforded by the Okefenokee Swamp and the Suwannee River and their watersheds such as fishing, swimming, boating, and birding; and

WHEREAS, the Okefenokee Swamp is a unique natural, cultural, and economic treasure known worldwide and frequented by citizens of Clinch County; and

WHEREAS, the Okefenokee Swamp is the headwaters of the St Marys River and of the Suwannee River, famous in song worldwide, around 85% of the Swamp is in the Suwannee River Basin; and

WHEREAS, the Suwannee River runs more than eighteen miles through Clinch County and is frequented by citizens of Clinch County; and

WHEREAS, Fargo Boat Ramp provides public access to the Suwannee River in Clinch County, and the Suwannee River Eco-Lodge provides lodging for river users; and

WHEREAS, the Clinch County Commission demonstrated their commitment to water quality and waterway recreation by approving the Comprehensive Plan, which states among other things that “The Suwannee River corridor needs special attention and protection from groundwater intrusion, contamination, and incompatible development,” noting that “The primary mission is to maintain and improve critical water quality, preserve endangered species, preserve wetlands, educate future generations and add stability to the eco-system”; and

WHEREAS, the citizens value the Okefenokee Swamp and the Suwannee River for water quality and habitat protection; and

WHEREAS, Twin Pines Minerals LLC (TPM), of Birmingham, Alabama, proposes to strip mine for titanium dioxide on Trail Ridge within three miles of the Okefenokee Swamp, and;

WHEREAS, TPM has no experience in titanium mining; and;

WHEREAS, TPM proposes to use drag lines, a method never used for such mines on Trail Ridge in Georgia or Florida by the only other company doing such mining, Chemours, and;

WHEREAS, TPM has not met its burden of proof to demonstrate that such a mine would not contaminate the Okefenokee Swamp or the Floridan Aquifer, or lower the water level in the Swamp or the Aquifer, and;

WHEREAS, lowering the water level in the Okefenokee Swamp would reduce the areas that can be reached by boat both in the Swamp and on the Suwannee River, and;

WHEREAS, reducing the water level in the Okefenokee Swamp or dewatering land areas would increase fire risk, and;

WHEREAS, wildfires in and around the Okefenokee Swamp adversely affect the forestry industry, tourism, and the citizens of Clinch County, and;

WHEREAS, TPM has not accounted in its hydrological studies for creeks and other waterways connecting its mine site to the St. Marys River and the Okefenokee Swamp, despite requests from the Georgia Environmental Protection Division (GA-EPD) for years, nor does TPM have plans to do water quality testing in the St. Marys or Suwannee Rivers or in the Okefenokee Swamp, and;

WHEREAS, strip mining is very likely to disturb and distribute mercury previously deposited through the air from coal power plants in Georgia, such mercury is toxic to wildlife and humans, and if its gets into the Swamp is is very likely to also get into the Suwannee River, and;

WHEREAS, TPM has not said how it will deal with nanoparticles of clay (slimes), which make constructing retaining dams difficult and if they escape can suffocate fish, nor has TPM even produced a study of the percentage-wise prevalence of slimes on that site, which is reputed to be higher than at existing mine sites, which would make the risk greater, and;

WHEREAS, TPM has not said how it will deal with the potential toxic effects of the bentonite clay it plans to use as fill, even though bentonite can suffocate fish and has other toxic effects, and;

WHEREAS, while the mine site is in the St. Marys River Basin, there is no barrier in the Okefenokee Swamp between the St Marys and Suwannee River Basins, so any contamination or water level changes of the Swamp would most likely affect the entire Okefenokee Swamp and the Suwannee River, and;

WHEREAS, reducing the water level in the Floridan Aquifer or other aquifers above it through overpumping or contaminating any of those aquifers could have widespread effects, since aquifer waters move horizontally, and;

WHEREAS, the main mined mineral from such mines is titanium dioxide, whose main use is for white paint, which is not worth risking the Okefenokee Swamp, the Suwannee River, or the Floridan Aquifer, and;

WHEREAS, TPM is still under a Florida Consent Order for a range of infractions at Chemours mine sites in north Florida, including letting wastewater escape, not doing required water quality testing, and not doing required reporting, and;

WHEREAS, the president of TPM was one of the proponents of two biomass plants in north Georgia, which caused the state of Georgia to pass a law to stop them from burning railroad ties and causing air and water pollution, and;

WHEREAS, the Franklin County biomass plant caused a massive fish kill, and;

WHEREAS, the Franklin County Commission, which originally supported the biomass plant in its county, since declared it a public nuisance and opened a lawsuit against it, and;

WHEREAS, in October 2020 the U.S. Army Corps of Engineers abandoned oversight of the mine site and of TPM's permit application to the Corps, took it up again in 2022, and was ordered by a court in 2022 to lay that oversight down again, with the ultimate resolution in another court case, and;

WHEREAS, in August, 2021, a U.S. District Court remanded and vacated a 2020 change to the Clean Water Act that was the basis of the Army Corps' decision to abandon oversight of the TPM mine site, specifically the Court found "fundamental, substantive flaws that cannot be cured without revising or replacing the NWPR's definition" in the Environmental Protection Agency's ("EPA") and U.S. Army Corps of Engineers' ("Corps") 2020 Navigable Waters Protection Rule ("NWPR") redefining jurisdictional "Waters of the United States" ("WOTUS") under the Clean Water Act ("CWA"), and;

WHEREAS, EPA and the Army Corps have halted implementation of the 2020 Navigable Waters Protection Rule (NWPR) upon which the Army Corps decision to abdicate oversight of the TPM mine site was based, and;

WHEREAS, in December 2022 the EPA and the Army Corps finalized a version of WOTUS that does not include the 2020 NWPR, thus removing the Army Corps reason for abandoning oversight of the mine site, and;

WHEREAS, the Georgia Environmental Protection Division (GA-EPD) has five permit applications from TPM related to the proposed mine, for which GA-EPD is attempting to do the kind of extensive review that the Army Corps usually does, and;

WHEREAS, the current TPM permit applications are for a demonstration site, yet they own hundreds more acres they plan to mine ever-closer to the Okefenokee Swamp, as the U.S. Fish and Wildlife Service wrote in 2019, "The initial project location is the farthest that mining activity would be from the Okefenokee National Wildlife Refuge (NWR) boundary and the Okefenokee Swamp. Any additional mining that occurs within the 12,000-acre permit area

would be closer to the refuge. The northwest boundary of the permit area is within a half mile from the refuge boundary and 400 feet from the edge of the Okefenokee Swamp,” and;

WHEREAS, the Clinch County Comprehensive Plan says, “Strip mining on the eastern edge of the swamp could affect the local hydrology and ecological value of the swamp and Suwannee River.”

THEREFORE BE IT RESOLVED, that the Clinch County Board of Commissioners:

1. Oppose the Twin Pines Minerals LLC (TPM) strip mine near the Okefenokee Swamp, as well as any other strip mine permit applications within ten miles of the Swamp.
2. Request the U.S. Army Corps of Engineers to resume oversight of the mine site, and to resume permit review including preparation of a full Area-Wide Environmental Impact Statement with public hearings, public comment, and independent third-party review.
3. Request the Georgia Environmental Protection Division to implement a moratorium on all mining permits until the legal ramifications become clear of the District Court overruling of the 2020 Clean Water Act changes.
4. Request the Georgia Environmental Protection Division to reject the TPM permit applications.
5. Request that if the Georgia Environmental Protection Division will not reject the permits, that it should thoroughly review them to at least the same degree and extent as a thorough U.S. Army Corps of Engineers Area-Wide Environmental Impact Statement with public hearings, public comment, and independent third-party review.
6. Request the Georgia legislature to pass appropriate legislation to prevent such strip mines in the future, whether near the Okefenokee Swamp or near any of the blackwater rivers in the Suwannee River Basin in Georgia, including the Suwannee, Alapaha, Alapahoochee, Willacoochee, Withlacoochee, and Little Rivers.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS, Clinch COUNTY, GEORGIA, this ____ day of _____ 2023.

By: _____

Attest: _____