

United States Senate  
WASHINGTON, DC 20510-1011

December 20, 2021

Michael Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Regan:

I am writing to ask the Environmental Protection Agency (EPA) to exercise its special cases authority to revoke the October 14, 2020 jurisdictional determination issued to Twin Pines Minerals, LLC. Since 2018, Twin Pines, an Alabama-based mining company, has been seeking permission to operate a heavy-mineral sand mine adjacent to the Okefenokee National Wildlife Refuge (Refuge). The Army Corps' October 2020 jurisdictional determination removed federal protections from nearly 400 acres of wetlands next to the refuge, where the mine is proposed, for the first time in decades.

Established in 1937, the Okefenokee National Wildlife Refuge is one of the largest remaining intact freshwater ecosystems in the world, one of America's most pristine and biodiverse areas with over a thousand species, and the largest National Wildlife Refuge in the eastern United States. The Okefenokee Swamp is a National Park Service-designated National Natural Landmark, a designation awarded to "the best examples of biological and geological features" in the country. Internationally, the Okefenokee National Wildlife Refuge is a "Wetland of International Importance" under the United Nations Ramsar Convention and a candidate for designation as a UNESCO World Heritage Site.

The Okefenokee National Wildlife Refuge is also critically important to Georgia's economy and its communities. With around 600,000 annual visits, the Refuge's visitation numbers are comparable to other iconic national parks like Big Bend, Redwood, and Denali. These visits support over 750 jobs, \$17.2 million in annual employment income, \$5.4 million in annual tax revenue, and \$64.7 million in annual economic output per year, according to the U.S. Fish and Wildlife Service.

The cultural and historic resources of the Okefenokee are significant, with Native American heritage spanning thousands of years. In fact, the Muscogee (Creek) Nation is currently working with the U.S. Fish and Wildlife Service to recommend the Okefenokee Swamp to the National Register as a Traditional Cultural Property based on its associations with the cultural practices, traditions, and beliefs of the Muscogee (Creek) Nation.

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The Okefenokee also provides important carbon storage benefits to the United States and the world. There is a layer of peat throughout the swamp, reaching over fifteen feet deep in some areas. Peatlands like the Okefenokee are the largest long-term storage of carbon of any ecosystem.

The Twin Pines proposed mine threatens the environmental, cultural, and economic integrity of the Okefenokee. Independent experts have expressed concerns that the mining process and accompanying groundwater withdrawals could substantially alter the swamp's hydrology and release toxic contaminants into the swamp and nearby rivers. Due to these risks, your agency, U.S. Fish and Wildlife Service, and Georgia Department of Natural Resources all have expressed serious concerns about the mine, as did elected officials from downstream communities in Georgia and Florida. The proposal also garnered more than one hundred thousand individual comments to state and federal officials.

As you know, Congress entrusted the EPA with the ultimate authority to determine the jurisdictional status of the Okefenokee wetlands and other waters under the Clean Water Act. Consistent with that mandate, the EPA has authority to make final jurisdictional determinations in "special cases." I believe that your agency should exercise its special cases authority to revoke the October 14, 2020 jurisdictional determination issued to Twin Pines Minerals for several reasons explained below.

The Army Corps originally found the wetlands to be under federal jurisdiction, no groundbreaking mining activities have occurred at the proposed mine site, the Okefenokee wetlands are among the country's most valuable ecosystems and deserve special consideration and protection, your agency has acknowledged the irreparable damage the proposed mine will likely have on the Refuge by the destruction of its wetlands, and recent federal court rulings have invalidated the Navigable Waters Protection Rule.

Due to the unique and irreplaceable nature of the Okefenokee National Wildlife Refuge, its significance to Georgia and the Nation, and recent federal court rulings invalidating the Navigable Waters Protection Rule, I urge the EPA to exercise its special cases authority to revoke the October 2020 jurisdictional determination. By bringing this project back within federal review, the EPA will ensure that the Okefenokee Refuge receives the protection it deserves.

Sincerely,



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Jon Ossoff  
United States Senator

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CC:

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Daniel Blackman  
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