

2024's Worst Offenses Against GEORGIA'S WATER



GEORGIA'S WATER RESOURCES

Push to Privatize Threatens Water Resources, Access to State's Rivers

INTRODUCTION

Who owns Georgia's water? Who owns its marshlands? Who should determine ownership and access to these resources? Multiple pieces of legislation introduced during this year's General Assembly session attempted to answer these questions, and more often than not, the measures were aimed at transferring ownership away from the public and into the hands of private entities. Some failed; others gained passage, but the "privatization" trend amongst legislators was alive and well. One measure that ultimately failed sought to make it easier for landowners to claim ownership of the state's salt marshes. Less than one percent of Georgia's nearly 400,000 acres of salt marsh are privately owned; the state holds in the public trust and protects the remainder. Another measure which gained passage will allow private water suppliers to skirt local water plans in water-scarce regions of the state, thus undermining public planning for a critical resource. Yet another hotly-contested measure which gained passage might arguably allow riverfront property owners to prohibit rivers users from fishing in front of their property in some instances. When it comes to preserving and managing long-standing public resources and rights, collectively these measures raise red flags, for in each the public good is compromised for the benefit of private interests.

THE WATER BODY

Georgia's water resources are vast. The state is home to more than 70,000 miles of streams and rivers, 425,000 acres of reservoirs and vast stores of groundwater. Along the coast, nine large estuaries are fringed by some 400,000 acres of coastal marshes. These water bodies, along with underlying aquifers, provide our drinking water. At sewage treatment plants, they assimilate our treated waste. And, along their courses where we fish, boat and recreate, they support an outdoor recreation economy that generates an estimated \$27.3 billion annually in consumer spending and \$1.8 billion in state and local taxes. And, for many, these waterways provide sustenance in the form of fish and shellfish. Because of their importance, the state manages water based on the public good. This regulated riparian rights model allows riverfront property owners to utilize the water flowing by their property but only in a manner that does not impact its use by the next riparian owner.



Less than one percent of Georgia's nearly 400,000 acres of salt marsh are privately owned; the state holds in the public trust and protects the remainder. Legislators considered but did not pass a measure that would have made it easier to transfer these state marshlands into the hands of private owners.

THE DIRT

It's been said often: "The most dangerous 40 days in Georgia are those 40 days when the General Assembly is in session." While the citizen legislators do much important work in those 40 days, there's always a slew of questionable bills introduced. During the 2023-24 session, legislators filed more than 4,000 measures for consideration. Among bills were multiple measures assaulting the "public trust"—the legal principal that natural resources belong to the public and are kept in trust by the state.



Who should determine ownership and access to Georgia's water resources? Multiple pieces of legislation introduced during this year's General Assembly session attempted to answer these questions, and more often than not, the measures were aimed at transferring ownership away from the public and into the hands of private entities.

HB 1172 also passed. This ambiguous bill could lead to some waterfront property owners asserting their ownership of the streambed and prohibiting individuals from stopping to fish in front of their property. Companion legislation, which failed to advance, created a list of navigable streams. Such a list, if enacted, has the potential to greatly limit where Georgians have a right to boat, fish and hunt and leaves streams not deemed "navigable" at risk of being closed to the public. These could include streams that have been used by anglers and recreational boaters for generations. A special House Study Committee on Navigable streams is expected to meet later this year and make recommendations on what streams in Georgia should remain open to the public.

WHAT MUST BE DONE

Georgia legislators must protect Georgia's long-standing water rights doctrine and reject efforts to privatize the state's water resources. Legislators must also protect recreational access to the state's rivers and streams and preserve existing uses that have been in place for generations.

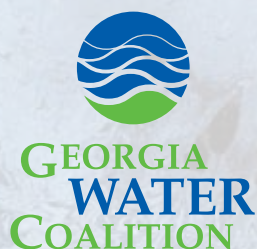
HB 370 attacked that principal as it applies to Georgia's coastal marshes. The bill made it easier for property owners adjacent to marshes to claim ownership. Existing law says that the state owns the marshes unless a property owner can trace their title to a grant issued by the King of England prior to independence. It's common to possess land granted in such a way; but it's highly uncommon to be able to prove clear title.

HB 370 would have flipped that on its head, making the transfer of these public lands to private entities relatively easy. The change was driven by developers seeking to claim ownership of the marshes, not to build upon them (they are protected by state law) but to conserve them...and get paid to do so, thus converting a public resource into a private commodity.

HB 1146, which ultimately did pass, was a gift to a private water company. It will allow the company to sell water in water-challenged Bryan County without coordinating with local governments or existing water providers. The change in law now threatens to undermine water planning and pits private water suppliers against publicly-held suppliers not just in Bryan County but across South Georgia.



HB 1172 was just one bill adopted during the 2024 General Assembly session that could lead to the erosion of public rights on Georgia's rivers. This ambiguous bill could lead to some waterfront property owners asserting their ownership of the streambed and prohibiting individuals from stopping to fish in front of their property.



FOR MORE INFORMATION

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