



GEORGIA WILDLIFE
FEDERATION®

Press Release

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**GEORGIAN'S RIGHT TO FISH RIVERS SAVED
IN CLOSING SECONDS OF GENERAL ASSEMBLY**

Covington, GA - Many will recall from last year that a property owner, Four Chimneys, LLC, along the Flint River at Yellow Jacket Shoals sought to prevent the public from fishing on that stretch of the river, claiming ownership of the riverbed to the midpoint of the stream and claiming the exclusive right to fish on that section. Georgia Wildlife Federation (GWF), Flint Riverkeeper, and Altamaha Riverkeeper joined together in objecting to that position. The Georgia Department of Natural Resources agreed with the Riverkeepers and GWF, expressing an opinion long-held within the Department that the Flint at that point was navigable and fishable by the public. This was backed up by a long history of fisheries management, stocking, as well as building and maintaining river access points for the public. Four Chimneys filed a lawsuit to force Georgia DNR to enforce their claim.

On Monday, March 27, 2023, with the advice of the Attorney General's office, Georgia DNR Commissioner Mark Williams signed a final judgment order with Four Chimneys. The consent agreement essentially reversed decades of enforcement policy by DNR and acceded to every aspect of Four Chimney's lawsuit. In addition, the agreement required DNR to issue a press release indicating that DNR's position was wrong, laying out the basis for the claim, and the consent, and in essence abandoning the past statements of the DNR leadership. That press release was issued Monday, April 3, 2023. As pointed out by one of our respected lawyer friends, DNR – in this press release - is providing a road map for everyone who owns property adjacent to a stream in Georgia to assert both property rights and the right to exclude the public from fishing.

DNR signed this agreement and filed it with the court in Upson County without consultation with GWF or any other partners and, more importantly, without consultation with the Governor's office. This consent agreement allows Four Chimneys to post their section of the river to prevent the public from fishing. This 'takes' the constitutional right of Georgia's anglers to fish that section of a navigable river – and it literally 'takes' the fish that belong to all Georgians as part of Georgia's public trust doctrine. The agreement was based not on the navigability of the river, but instead on laws and court cases giving control to property owners if the title can be traced back to a state land grant issued prior to 1863.

According to the binding agreement, the public is still allowed to use kayaks, canoes, and other vessels to float the section of river (navigable), but fishing is now the exclusive right of the property owners.

Georgia's 1.2 million anglers should be outraged since fish stocking and fisheries management, virtually every penny, are paid for by anglers through the purchase of fishing licenses and federal excise taxes. Every Georgian, almost 11 million, should be outraged because all of us are the owners of all our state's fisheries and we all were just told we have to steer clear of fishing for the very fish we collectively own.

With that outrage in mind, Georgia Wildlife Federation and Georgia Hunting and Fishing Federation, along with assistance from Southern Environmental Law Center, Altamaha Riverkeeper, and Flint Riverkeeper, went to work to correct the situation. With critical guidance from within the Governor's office, we were able to cobble together a bill on the last day of the legislature that corrected the situation.

Senate Bill 115 achieved final passage literally in the closing seconds of the General Assembly on Wednesday, March 29, 2023. The critical part of the law states Georgia *"is trustee of its peoples' rights to use and enjoy all navigable streams capable of use for fishing, hunting, passage, navigation, commerce, and transportation, pursuant to the common law public trust doctrine."* In summary, the State of Georgia clearly and unequivocally stated that navigable waters of our state are open for fishing. It clearly states that all navigable waters are open to all Georgians regardless of when or where the state made grants of lands. All Georgians that hunt and fish, all Georgians that love the outdoors won and the Georgia General Assembly deservedly gets the credit.

Governor Brian Kemp deserves special credit for this monumental achievement. It simply would not have happened without his leadership. Other critical members of the legislature deserve credit for herculean efforts: House Speaker Jon Burns, House Rules Chairman Richard Smith, House Game Fish & Parks Chairman Trey Rhodes, House Sportsman's Caucus Chair David Knight, Lt. Governor Burt Jones, Senate Rules Chairman Matt Brass, and Senator Josh McLaurin. Without the savvy, without the leadership of this committed group of legislators, passage of this bill, in this timeframe, would have been impossible.

In summary, when Governor Kemp signs this legislation anglers will once again be sure they have the right to fish on all Georgia's navigable streams. SB 115 removes the confusion, it removes the chaos, it will firmly establish in law the way the vast majority of our streams have been operated throughout our lifetimes. A flowing river belongs to all of us, regardless of who owns the land adjacent or even the land underneath. We have assured future generations that fishing is for all of us. This was a remarkable achievement brought about by Georgia leaders that are committed to maintaining our Georgia Constitutional Right to Hunt and Fish.

There will likely be more work to be done to protect these rights. Hearings will almost certainly be held in the coming months. We will be there, looking out for the rights of regular Georgians.

It is an honor to work with such a committed team of elected officials and other non-governmental organizations that are truly protecting the interests of hunters, anglers, and all that love the outdoors.



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About Georgia Wildlife Federation

Georgia Wildlife Federation was founded as a sportsman's organization in 1936 and is Georgia's oldest conservation organization. Today, members include hunters, anglers, bird watchers, hikers, educators, and all Georgians who are interested in preserving our natural resources and outdoor heritage.