

Navigable Rivers/Streams: Georgia Legislation Codifies Public Access



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07/11/2023

The Georgia General Assembly enacted Senate Bill 115 (“SB 115”) whose stated intent is to ensure public access to the State of Georgia’s navigable rivers and streams.

Georgia Governor Brian P. Kemp signed SB 115.

The legislation provides that the public may hunt, fish, and transit the navigable waters of the state. Georgia’s Governor, in signing the legislation, provided that the legislation constituted:

... an embodiment of the principle of sic vos non vobis in a privilege that has been assured Georgians for generations.

The legislation does not affect non-navigable rivers or streams or modify the definition of navigability. The definition of navigability is codified in OCGA §44-8-5-(a). Further, the legislation is stated to not impact the use of water by adjacent landowners and navigable rivers.

SB 115 provides:

“(c) The General Assembly finds that the state procured ownership of all navigable stream beds within its jurisdiction upon statehood and, as sovereign, 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. The state continues to hold title to all such stream beds, except where title in a private party originates from a valid Crown or state grant before 1863. The General Assembly further finds that the public retained the aforementioned rights under such doctrine even where private title to beds originates from a valid grant.”

A copy of SB 115 can be downloaded [here](#).