

House Resolution 519

By: Representatives Jenkins of the 136th, Burchett of the 176th, Knight of the 134th, Cheokas of the 151st, Corbett of the 174th, and others

A RESOLUTION

1 Creating the House Study Committee on Fishing Access to Freshwater Resources; and for
2 other purposes.

3 WHEREAS, the Constitution of the State of Georgia recognizes the tradition of fishing in
4 this state and further recognizes that the taking of fish shall be preserved for the people and
5 shall be managed by law and regulation for the public good; and

6 WHEREAS, the General Assembly has declared that Georgia citizens have the right to take
7 fish subject to the laws and regulations adopted by the Board of Natural Resources for the
8 public good and general welfare; and

9 WHEREAS, all wildlife, including fish, are held in trust by the state for the benefit of its
10 citizens and are declared to be within the custody of the Georgia Department of Natural
11 Resources for purposes of management and regulation; and

12 WHEREAS, the Department of Natural Resources manages more than 4,000 miles of trout
13 streams, 12,000 miles of warm water streams, and 500,000 acres of impoundments for the
14 public good and general welfare; and

15 WHEREAS, the Department of Natural Resources manages 11 public fishing areas
16 throughout this state, which combined host approximately 800,000 visitors annually; and

17 WHEREAS, the Department of Natural Resources operates ten fish hatcheries and stocks
18 millions of fish annually in freshwater resources throughout this state; and

19 WHEREAS, anglers spend more than \$1.1 billion each year on fishing in Georgia with an
20 economic impact of more than \$1.9 billion, generating an estimated 10,600 jobs; and

21 WHEREAS, approximately 1.2 million resident anglers fish Georgia's freshwater resources;
22 and

23 WHEREAS, the Department of Natural Resources operates and maintains 168 public boat
24 ramps, as well as canoe and kayak access points across this state; and

25 WHEREAS, the federal government, through the U.S. Army Corps of Engineers, the U.S.
26 Forest Service, and other agencies, plus local city and county governments, operates and
27 maintains many additional public boat ramps and other river and stream access points across
28 this state; and

29 WHEREAS, the Department of Natural Resources and its management of state waterways,
30 fisheries, and boat ramps for the public benefit is funded by anglers and hunters in Georgia
31 through fishing and hunting license revenue, as well as federal revenue generated by anglers
32 and hunters via the federal Wildlife and Sport Fish Restoration Act; and

33 WHEREAS, notwithstanding these facts, private landowners from time to time attempt to
34 exclude the public from fishing in streams that are defined as "nonnavigable" and flow

35 through private properties, even where the Department of Natural Resources and other
36 agencies stock fish or maintain public boat ramps and access points; and

37 WHEREAS, Georgia courts in limited circumstances have allowed private landowners to
38 exclude the public from fishing in streams that flow through private properties, where title
39 can be traced to a valid Crown or state grant which explicitly conveys the beds of such
40 navigable streams; and

41 WHEREAS, although the state may convey ownership of streambeds to private landowners
42 by statute or land grants, it is unclear whether the state similarly may convey to private
43 landowners the exclusive use and control of streams for fishing, where the state's public trust
44 doctrine establishes that the state holds and manages fish in trust for the public; and

45 WHEREAS, there is confusion among the public, the Department of Natural Resources, law
46 enforcement officials, and elected officials over where the public may lawfully fish in
47 Georgia's freshwater resources; and

48 WHEREAS, it would be beneficial to examine the extent of the public's right to fish in
49 Georgia's freshwater resources, any inconsistencies or conflicts in the law between the
50 public's right to fish and private property rights, and whether and how to reconcile any such
51 inconsistencies or conflicts to ensure that the taking of fish shall be preserved for the people
52 and managed for the public good, as required by the Georgia Constitution.

53 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

54 (1) **Creation of House study committee.** There is created the House Study Committee
55 on Fishing Access to Freshwater Resources.

56 (2) **Members and officers.** The committee shall be composed of 12 members of the
57 House of Representatives to be appointed by the Speaker of the House of
58 Representatives. The Speaker shall designate a member of the committee as chairperson
59 of the committee.

60 (3) **Powers and duties.** The committee shall undertake a study of the conditions, needs,
61 issues, and problems mentioned above or related thereto and recommend any action or
62 legislation which the committee deems necessary or appropriate.

63 (4) **Meetings.** The chairperson shall call all meetings of the committee. The committee
64 may conduct such meetings at such places and at such times as it may deem necessary or
65 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
66 accomplish the objectives and purposes of this resolution.

67 (5) **Allowances and funding.** The legislative members of the committee shall receive
68 the allowances provided for in Code Section 28-1-8 of the Official Code of Georgia
69 Annotated. The allowances authorized by this resolution shall not be received by any
70 member of the committee for more than five days unless additional days are authorized.
71 Funds necessary to carry out the provisions of this resolution shall come from funds
72 appropriated to the House of Representatives.

73 (6) **Report.**

74 (A) In the event the committee adopts any specific findings or recommendations that
75 include suggestions for proposed legislation, the chairperson shall file a report of the
76 same prior to the date of abolishment specified in this resolution, subject to
77 subparagraph (C) of this paragraph.

78 (B) In the event the committee adopts a report that does not include suggestions for
79 proposed legislation, the chairperson shall file the report, subject to subparagraph (C)
80 of this paragraph.

81 (C) No report shall be filed unless the same has been approved prior to the date of
82 abolishment specified in this resolution by majority vote of a quorum of the committee.

83 A report so approved shall be signed by the chairperson of the committee and filed with
84 the Clerk of the House of Representatives.

85 (D) In the absence of an approved report, the chairperson may file with the Clerk of the
86 House of Representatives a copy of the minutes of the meetings of the committee in lieu
87 thereof.

88 (7) **Abolishment.** The committee shall stand abolished on December 1, 2023.