

Lack of clarity on navigability, however, can lead to disputes and even confrontations along the riverbanks in Georgia. While many members of the public noted more friendly and collegial interactions between property owners and those out on the water, others noted anecdotes of aggressive behavior exhibited by both sides. This type of confrontation puts a DNR ranger in the position of having to solely arbitrate questions of law on a riverbank with angry individuals. DNR law enforcement testified to the study committee about the affidavit process where landowners can submit a list of persons authorized to hunt, fish, or be on a property. During the study committee process, DNR also announced a partnership with the Hunt Regs App to allow Georgians an easy way to report illegal hunting and fishing activities by connecting directly to the DNR Ranger Hotline program.<sup>8</sup> This free program should allow easier reporting of violations, as well as an opportunity for DNR to collect data and note problematic locations for potential further investigation.

The property rights enjoyed by landowners are not inalienable. Parties interested in being on non-navigable waterways can speak with landowners to acquire permission or buy those rights from the landowner. Some landowners testified to having no problem with people floating down the river, which is in line with common courtesy, while having problems with people getting out on the banks, camping, or leaving trash. Other landowners, however, have established trout outfits and want to exclude others from their private property to maintain the privacy and exclusivity of customer experiences. Paddlers and fishermen testified to their extensive work educating and working on projects to respect and protect the waterways. Permission or an agreement between parties would provide the clarity many people throughout this process have sought. While paddlers testified to a potential danger in walking onto someone's property to ask for permission, so too can there be danger felt by landowners in confronting a person on their property who believes they are allowed to be there. The prevailing view is that most landowners and outdoor enthusiasts have no problem with one another, but seek respect from one another. Respect cannot be legislated, but trespass can be legislated, confrontations can be mitigated, and the details of Georgia law can be better communicated.

### ***Passage on Georgia Waterways***

An issue discussed before the study committee was passage on Georgia waterways. Georgia law protects the right to passage on navigable Georgia waterways, while with non-navigable streams, a landowner who owns both sides of a non-navigable waterway has the ability to exclude others. There is not extensive case law related to the right of passage, but one key case cited during the study committee was *Young v. Harrison*, 6 Ga. 130 (1849). In the opinion, Justice Lumpkin states the following:

“Rivers are of three kinds: 1st. Such as are wholly and absolutely private property. 2d. Such as are private property, subject to the servitude of the public interest, by a passage

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<sup>8</sup> [https://www.albanyherald.com/local/hunt-regs-app-allows-individuals-to-report-poachers/article\\_622797b0-9c64-11ef-9e2a-779dbd69e816.html](https://www.albanyherald.com/local/hunt-regs-app-allows-individuals-to-report-poachers/article_622797b0-9c64-11ef-9e2a-779dbd69e816.html)