

## Protect Georgia's Streams

### Protect Property Rights

#### Revise the Erosion and Sedimentation Act

##### PROBLEM:

- ❖ The law does not enable the Georgia Environmental Protection Division to uniformly enforce a 25-foot buffer requirement along Georgia's creeks, streams and rivers.
- ❖ This buffer, required by the Erosion and Sedimentation Act (E&S Act), is essential to protecting the quality of the water we need—for drinking, fishing, irrigation and industrial operations—from sediment runoff from land disturbing activities.
- ❖ **SB 101** helped resolve some buffer issues in areas specially protected by the Coastal Marshlands Protection Act. SB 101 does not fix broken buffer protections everywhere.
- ❖ The 2015 **Georgia Supreme Court** decision regarding *Turner v. Ga River Network et al* creates uncertainty and inconsistency, leaving Georgia's streams, creeks and rivers lacking "wrested vegetation" with no legal requirement for a protective naturally vegetated buffer.

##### SOLUTION:

- ❖ We need to fix the E&S Act because "**wrested vegetation**" is absent in many Georgia creeks, streams, and rivers.
- ❖ South Georgia's slow moving and black water rivers do not generate enough velocity to 'wrest' vegetation.
- ❖ When we protect Georgia's streams, we protect property rights.
- ❖ Buffers are the most cost-effective means to protect water temperature and quality, and property values from mud in streams.
- ❖ Buffers do not constitute "a taking" – in fact they protect property value at the site and for downstream property owners.
- ❖ Buffers protect downstreamers and property owners from big construction projects, like Georgia Department of Transportation projects.
- ❖ There are other proven ways to measure a buffer in places where there is no "wrested vegetation," such as using "the ordinary high water mark."