



## Fast Facts

Wetlands are often called the “nurseries of life” because they are so diverse and so productive.

The Okefenokee Swamp in southeastern Georgia covers more than 412,000 acres and is one of the largest freshwater wetlands in the nation.

Clayton County uses constructed wetlands to provide tertiary water treatment to 9.3 million gallons of treated water a day. This approach is more cost effective and efficient than conventional methods of treatment.

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# Freshwater Wetlands

## What’s at Stake?

Freshwater wetlands are a critical resource for people and wildlife alike. These waters include the Okefenokee Swamp, where alligators reside alongside towering cypress trees, to pine flatwoods, where crayfish chimneys and pitcher plants can be found rooted in the moist soils, to spring-fed mountain seeps and bogs. Wetlands are like the “kidneys” of a watershed, improving water quality by filtering, removing, even neutralizing pollutants from stormwater. They also act like sponges soaking up floodwaters during storms. And they provide homes to a multitude of mammals, fish, reptiles, and amphibians.

In short, freshwater wetlands are very special places. For the hunter, they provide a breeding ground and food supply for countless waterfowl. For the fisherman, they provide the shallows for spawning and a ready source of insects. For the water manager, they provide tens-of-thousands of small reservoirs across the state to trap rainwater for drier periods. For the wise developer who is willing to incorporate them into property development plans, they can become green spaces that increase property values. And for all of us, they provide a quiet place to go and appreciate nature.

## Challenges

As a result of two recent U.S. Supreme Court decisions (*SWANCC* and *Rapanos*) that have confused wetlands law, it is unclear which wetlands are actually protected by the Federal Clean Water Act. To be considered a *wetland* under the 1987 Federal Wetlands Delineation Manual, an area must meet the following three criteria: 1) the area must contain hydric soils (black, high carbon soils); 2) the area must have a predominance of federally listed wetlands plants; and 3) there must be evidence that water in the area rises to within twelve inches of the ground surface for a prescribed period. To be a *federally protected wetland*, the wetland must also have a “significant nexus” with a “traditional navigable water,” or that is, a water that has been used to transport commerce in the past, or can support canoe or kayak trips today.

According to one source, about 5.3 million acres, or 13 percent of Georgia’s land area is covered with wetlands. Especially on Georgia’s coastal plain, federal wetlands regulators consider many of these wetlands to have no “significant nexus” to a “traditional navigable water” because the regulators have not found evidence that during a storm, water would drain out of these wetlands into a nearby stream or ditch. Although such decisions can be challenged, more often than not these “isolated” wetlands are left without any federal protection because individual protection is expensive.

Neighboring states like North Carolina and Florida have both enacted laws to protect such “isolated” wetlands. Georgia has not. As a result, developers have built houses in such wetlands and the new homeowners have paid the price. Some have ended up with cracked foundation slabs due to poor soils or discover mold problems that require costly repairs. Others are seeing crayfish chimneys sprouting in their front lawns and experiencing drainage field problems in their back yards.

## Next Steps

The General Assembly should create a state permit system covering wetlands not protected under the federal wetlands regulatory program.