OFFICE OF THE GOVERNOR

OCT 08 2023

To the Members of the California State Assembly:

I am returning Assembly Bill 859 without my signature.

This bill would modify existing law that prohibits the use of temporarily inundated lands for hunting without written permission to instead authorize the use of temporarily inundated navigable waters for hunting.

I support the intent of this bill to clarify the public's right to navigate temporarily inundated waterways for fishing, hunting, or other enjoyment, as guaranteed by the California Constitution. However, this bill contains overly broad language that could extend access rights beyond the public trust doctrine, thus impacting private property owners' rights. The bill also creates inconsistency with the definition of navigable waters in the Harbors and Navigation Code, which is likely to result in confusion in communities across California. I encourage the Legislature to refine these revisions in subsequent legislation.

For this reason, I cannot sign this bill.

Sincerely,

Gavin Newsom