



March 20, 2024

The Honorable Dave Min, Chair  
 Senate Natural Resources and Water Committee  
 1021 O Street, Room 3220  
 Sacramento, CA 95814

**RE: Support for SB 1226 (Cortese) – Navigable Waters**

Dear Senator Min:

Our organizations, which represent hundreds of thousands of outdoor enthusiasts in California, urge you to support SB 1226 (Cortese), which would clarify the public’s right to use navigable floodwaters for waterfowl and other hunting purposes.

SB 1226 amends Section 2016 of the Fish and Game Code to make it consistent with a State Attorney General Opinion that found that hunting is an integral part of the public right of navigation; and, that Section 2016’s restriction on hunting navigable floodwaters is unconstitutional because it conflicts with Article X, Section IV of the California Constitution, which requires the State Legislature to protect the public’s access to navigable waters. A subsequent State Opinion also effectively reaffirmed this conclusion.

This change will not only help ensure that sportsmen exercising their rights on navigable floodwaters are not wrongly cited for trespassing, but will save the court system time and money. Most district attorneys are unaware of the State Opinions, and judges who have access to them typically dismiss that particular charge due to concerns about infringement on the public's Constitutional rights.

Please note that, under SB 1226, Section 2016's restrictions on hunting still apply to any non-navigable waters and lands that meet the signage and other requirements of that Section.

Furthermore, the bill does not affect any other provision in law, including other code sections that limit or ban hunting or the ability of the California Fish and Game Commission to further regulate the taking of game and fish on navigable waters.

It should also be noted that SB 1226 is consistent with the Governor's 30x30 objective of ensuring public access for all Californians to the outdoors <https://www.californianature.ca.gov/pages/30x30>.

For these reasons, please support SB 1226 when it is heard by your committee.

Sincerely,

Mark Hennelly, Vice President of Advocacy  
California Waterfowl Association

Joel Webster, Vice President of Western Conservation  
Theodore Roosevelt Conservation Partnership

Chris Hoon, Manager of Government Affairs – Pacific Flyway  
Delta Waterfowl

Marc Engstrom, Director of Public Policy, California  
Ducks Unlimited

James Stone, President  
Nor-Cal Guides and Sportsmen's Association

Lori Jacobs, President  
California Houndsmen for Conservation

Kerry Luft, Executive Vice President  
Max McGraw Wildlife Foundation

Fred Harpster, President  
Black Brant Group Fred Harpster, President

Steve Miller, President  
Tulare Basin Wetlands Association

Joel Weltzien, California Chapter Coordinator  
Backcountry Hunters and Anglers

Lisa C. McNamee, Legislative Coordinator, California Chapters  
Safari Club International

Steve Hunter, President  
Safari Club International, Golden Gate Chapter

Steve Chappell, Executive Director  
Suisun Resource Conservation District

Adam Chavez, President  
California Hawking Club

Dan Whisenhunt, CEO  
California Deer Association

Chriss Bowles, President  
California Bowmen Hunters/State Archery Association

Gary Brennan, President  
San Diego County Wildlife Federation

Don Kirby, President  
Cal-Ore Wetlands and Waterfowl Council

Barry Snell, California State Director  
Congressional Sportsmen's Foundation