

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2218 (Kalra) – As Amended April 16, 2026

Policy Committee:	Environmental Safety and Toxic Materials	Vote:	5 - 0
	Water, Parks and Wildlife		9 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

The bill establishes state policy to address inequities in tribal access to and control over water through, among other things, financial assistance, consultation, protection of tribal water uses, and incorporation of indigenous knowledge and requires certain state agencies to implement this policy in their decisions and to consult with tribes, including during certain water rights investigations.

Specifically, this bill, among other things:

- 1) Declares it is the established policy of the state to recognize and address the inequities regarding access to, and control over, water caused by state-sanctioned acts of termination, removal, and assimilation inflicted upon all California Native American tribes through financial assistance; protection of tribal water uses; consultation on water projects, plans, and policies; and incorporation of indigenous knowledge to restore and protect ecosystems.
- 2) Requires the following state agencies to implement the policy described above when revising, adopting, or establishing policies, regulations, permits, or grant criteria to address identified inequities: the State Water Resources Control Board (State Water Board); Regional Water Quality Control Boards (Regional Water Boards); the California Natural Resources Agency (CNRA) and all its departments, conservancies, boards, commissions, and councils; the Delta Stewardship Council (DSC); and the Office of Land Use and Climate Innovation (LCI).
- 3) Requires the state agencies listed above to identify and offer financial assistance to California Native American tribes consistent with existing legal and policy requirements for financial assistance programs.
- 4) Requires the State Water Board, in furtherance of an investigation (in the administration of water rights), upon request, to consult with a California Native American tribe whose ancestral territory includes the water body or water bodies at issue for the claimed riparian or appropriative water right.

FISCAL EFFECT:

As discussed in the background, numerous state agencies – including many of the entities included in this bill – have adopted tribal consultation policies. For example, CNRA’s policy states the agency is committed to early, often, and meaningful consultation with California

Native American tribes with the goal of collaborative partnership and meaningful inclusion of tribal governments' priorities and interests throughout the agency's work. Recently, CNRA established a statewide goal of expanding tribal stewardship over at least 7.5 million acres of lands and coastal waters in California, by, among other things, expanding tribal access, collaboration, ancestral land return, and tribal ecological knowledge. The state's nine Regional Water Boards are in different stages of their Basin Plan amendment processes to include Tribal Beneficial Uses of water.

In addition, many agencies provide funding to tribes for various purposes. For example, the State Water Board offers funding to tribes through its Safe and Affordable Funding for Equity and Resilience Program, Supplemental Environmental Projects, and the California Environmental Protection Agency's Small Environmental Justice Small Grants Program. CNRA's Tribal Nature-Based Solutions program offers grants for tribal multi-benefit nature-based solutions projects; the Proposition 4 climate bond makes \$10 million available for this program. Proposition 4 includes additional funding for tribes; for example, of the \$386 million made available to the Department of Water Resources (DWR) for, among other things, groundwater storage and recharge, the bond requires that at least \$25 million be provided for projects that provide direct benefits to tribal communities. The Strategic Growth Council (which is part of LCI), as part of its Affordable Housing and Sustainable Communities Program, includes a tribal set-aside in which the council seeks to fund at least one project per funding cycle to a tribal entity.

It is not clear to the committee the extent to which the requirements of this bill overlap with the existing and ongoing efforts described above. However, given the broad language and far-reaching directives in the bill – including offering financial assistance, protecting tribal water uses, and implementing the policy established in the bill in state policies, regulations, permits, and grants – the committee notes ongoing costs to applicable agencies may be relatively significant.

- 1) For its part, the State Water Board estimates ongoing annual General Fund costs of \$5.3 million for about 21 new staff to serve as dedicated tribal coordinators within the Regional Water Boards and in the State Water Board's major programs to better coordinate with tribes. The State Water Board additionally anticipates it will need contracting dollars of an unknown amount and notes that if other tribal engagement bills are enacted this session, the boards may be able to merge staffing and contracting costs for multiple bills.
- 2) The Sierra Nevada Conservancy (SNC) notes its tribal engagement team (which is currently 1.5 staff) is at capacity and cannot absorb the additional workload created by this bill. SNC asserts it would need between one and two analysts (low- to mid-hundreds of thousands of dollars annually) to implement this bill (General Fund). DSC estimates ongoing annual General Fund costs of approximately \$185,000 for one staff services manager II or similar position to implement the bill. The Bay Conservation and Development Commission (BCDC) estimates ongoing annual General Fund costs of about \$170,000 for one supervisor position (to serve as BCDC's tribal liaison) to develop robust tribal consultation policies and practices for its permitting work. The Ocean Protection Council anticipates minor and absorbable costs. The committee did not receive cost estimates from other CNRA boards, departments, conservancies, commissions, and councils at the time of the writing of this analysis.

- 3) LCI notes that if it is not required to establish a new financial assistance program, it would incur annual General Fund costs of \$431,000 for two years (for one analyst for two years and one senior environmental scientist) followed by ongoing annual General Fund costs of \$246,000 (for the one senior environmental scientist) to coordinate and collaborate with the other agencies listed in the bill, ensure all LCI guidance documents, policies, and grant guidelines are updated to reflect the new policy, identify and provide technical assistance such as model ordinances or other best practices, provide dedicated technical support for smaller or underresourced tribes (to, for example, translate water data into land-use policy impacts), and other related tasks. If LCI must create and administer an ongoing financial assistance program, its ongoing General Fund costs would be closer to \$1.2 million annually.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

COMMENTS:

- 1) **Purpose.** According to the author:

California Native American Tribes have lived on this land since time immemorial, developing a deep and comprehensive understanding of its ecological systems. This includes its watersheds, around which indigenous communities have cultivated highly diverse cultural and culinary practices. Unfortunately, colonization, historic land seizures, and other state-sanctioned actions have deprived Tribes of the water resources and management practices that support their communities. While many state agencies, including the Department of Water Resources, have made efforts to rectify these inequities, their work remains vulnerable to legal challenges.

AB 2218 addresses this issue by establishing a state policy of recognizing and correcting water-related inequities perpetrated against the Indigenous People of California, giving the state the statutory backing it needs to respectfully and effectively address generations of injustice.

- 2) **Background.** This bill is sponsored by the Karuk Tribe, which notes that the colonization, displacement, and genocide of Native American tribes contributed to the loss of water resources and water management practices that support traditional food sources and ways of life. The Karuk tribes argues that the state's water right system, based on the "first in time, first in right" principle has "historically overlooked the true first inhabitants of this land and original water users, California Native Americans," and that this oversight, coupled with "state-sponsored actions that removed Native Americans from their lands and their waters has systematically excluded Tribal nations from crucial decision-making processes concerning our state's waterways."

Over the past several years, the state has adopted numerous policies, programs, directives, and executive orders to improve tribal consultation and collaboration and the state's communication and working relationship with tribes. Examples include the Governor's Office of Tribal Affairs; the California Environmental Protection Agency's tribal affairs program; tribal consultation policies adopted by the State Water Board, the Department of

Toxic Substances Control, the Department of Pesticide Regulation, the Office of Environmental Health Hazard Assessment, the Air Resources Board, and DWR (among others); the State Water Board's racial equity resolution; CNRA's tribal affairs program, tribal consultation policy, and tribal nature-based solutions program; various tribal programs and initiatives led by the Department of Parks and Recreation (such as those related to tribal co-management of land) and the Department of Fish and Wildlife; Executive Orders N-15-19 and B-10-11; and other related efforts.

Among others in support, the Santa Ynez Band of Chumash Indians argues this bill will help "ensure that tribal perspectives are meaningfully considered in water-related actions and that future policies better reflect principles of equity, sustainability, and respect for tribal sovereignty."

The Association of California Water Agencies (ACWA) and a coalition of organizations, writing in an oppose-unless-amended position, argue this bill introduces broad, vague language that would result in significant legal uncertainty, does not acknowledge existing statewide and local efforts to promote tribal engagement, and lacks guardrails necessary for preventing the creation of unfunded mandates.

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