
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 2218 (Kalra) - Water policy: California Native American tribes

Version: July 2, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: N.R. & W. 5 - 0, E.Q. 4 - 0

Mandate: No

Consultant: Ashley Ames

Bill Summary: This bill would declare it statewide policy to recognize and address the wrongs inflicted upon California Native American tribes regarding access to, and control over, water by state-sanctioned acts of termination, removal, and assimilation, and would direct relevant state agencies to take steps to implement this policy.

Fiscal Impact:

- The State Water Board estimates ongoing costs of \$6.25 million annually (General Fund) for dedicated tribal coordinators and support staff within the Regional Water Boards and major programs of the State Water Board to better coordinate with tribes. According to the Water Board, the additional staffing would be needed to ensure that the more extensive consultation, engagement, and potential mediation can be performed within existing programmatic and legal deadlines. In addition, an unknown amount of annual contracting costs would be required in furtherance of this work.
- The Governor's Office of Land Use and Climate Innovation (LCI) estimates ongoing costs of \$1.3 million each year for the first two years and \$1.2 million annually thereafter (General Fund) to coordinate and collaborate with the other agencies listed in the bill and work to ensure all LCI guidance documents, policies, and grant guidelines are updated to reflect the new policy as well as identify and provide new technical assistance such as model ordinances or other best practices. These monies would also be used to provide dedicated technical support for many smaller or under-resourced tribes. Additionally, the financial and technical assistance program would ensure ongoing interagency coordination on tribal consultation and facilitation; provide tribal capacity support to enhance tribal expertise and compensation for tribal participation; provide policy and technical support to tribes; support tribal mapping and data analysis that adheres to tribal data sovereignty for the identification of priority water rights; participate in the new process for administrative remedies.
- The Governor's Office of Tribal Affairs estimates ongoing costs of \$935,000 annually (General Fund) to handle mediation prep and information gathering, assist with mediation, potentially verify tribal cultural claims, and handle administration/intake/notetaking.
- The Department of Water Resources (DWR) reports that without clarity on the bill's duties and programs, it is unable to provide a fiscal estimate but expects this bill to have a financial impact due to the requirement to provide tribes with financial assistance. DWR costs are unknown, but would likely be significant related to the costs of expanded water rights proceedings, among other things.

- Unknown but potentially significant ongoing costs for the California Natural Resources Agency (CNRA) and all its departments, conservancies, boards, commissions, and councils as well as the Delta Stewardship Council (DSC) to implement the provisions of this bill.

Background: 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.

Proposed Law: This bill would:

1. Declare it to be 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 on California Native American tribes through financial assistance, protection of tribal beneficial uses, consultation on water projects, plans, and policies, and incorporation of indigenous knowledge to restore and protect ecosystems.
2. Require the following state agencies to implement this policy when revising, adopting, or establishing policies, regulations, permits, or grant criteria to address identified inequities:
 - a. State Water Board.
 - b. Regional water boards.
 - c. CNRA and all its departments, conservancies, boards, commissions, and councils.
 - d. The Delta Stewardship Council.
 - e. The Office of Land Use and Climate Innovation.
3. Require the above listed agencies to identify and offer financial assistance to California Native American tribes consistent with existing legal and policy requirements for financial assistance programs.
4. Require a dispute between a California Native American tribe and one of the above listed agencies over implementation of the policy to be brought before the Governor's Office of Tribal Affairs, and require the office, within 30 days of referral, to convene a meeting between the tribe and the agency for mediation before the agency action is challenged in court. Require the agency action that is the subject of the mediation to be stayed during mediation.

- a. Require the office to gather information for not more than 60 days from the initial meeting, and allow not more than 30 days from the conclusion of information gathering to reach reconciliation, defined as a mutually agreeable resolution.
 - b. Authorize a tribe to withdraw from the process at any point if the tribe believes the agency is not negotiating in good faith.
 - c. Require the agency action to be stayed for an additional 60 days if reconciliation is not reached within that 30-day period, and require the office to issue a letter documenting exhaustion of administrative remedies if reconciliation is not reached at the end of the 60 days.
5. Require the State Water Board, when conducting an investigation of bodies of water regarding a claimed riparian or appropriative right, to, upon request, consult with a California Native American tribe whose ancestral territory includes the water body or water bodies at issue.

Related Legislation:

AB 1881 (Ramos, 2026) would exempt information regarding tribal sacred and cultural sites and practices from disclosure under the California Public Records Act, would prohibit a governmental agency from substantially burdening a California Indian or California Native American tribe in the exercise of religious beliefs or spiritual practices, and would require governmental agencies to meaningfully engage with any affected tribe before taking any action that may impact a tribal sacred site or cultural landscape.

AB 2115 (Ramos, 2026) would require the State of California, and the Legislature in particular, to recognize and accept responsibility for harms caused to California Native Americans and to issue and memorialize a formal apology.

AB 362 (Ramos, 2025) would have required the State Water Board and the Regional Water Boards, when approving a project or regulatory program, to describe how that project or regulatory program would impact tribal water uses and to incorporate tribal uses of water into water quality control plans. AB 362 died on the Assembly Floor.

AB 1284 (Ramos, Chapter 657, Statutes of 2024) establishes the Tribal Cogovernance and Comanagement of Ancestral Lands and Waters Act to encourage the state to enter into cogovernance and comanagement agreements with federally recognized tribes.

AB 2614 (Ramos, 2024) was substantially similar to AB 362 (Ramos, 2025). The bill died in the Assembly Appropriations Committee.

AB 923 (Ramos, Chapter 475, Statutes of 2022) encourages the state and its agencies to consult on a government-to-government basis with federally recognized and, as specified, with nonfederally recognized tribes, in order to allow tribal officials the opportunity to provide meaningful input in the development of policies, processes, programs, and projects that have tribal implications.

AB 2108 (Robert Rivas, Chapter 347, Statutes of 2022) requires the State Water Board and Regional Water Boards to make programmatic findings on potential environmental justice, tribal impact, and racial equity considerations when issuing regional or reissuing statewide waste discharge requirements or waivers of waste discharge requirements.

Requires the State Water Board and Regional Water Boards to engage communities impacted by proposed discharges of waste throughout the waste discharge planning, policy, and permitting process.

AB 52 (Gatto, Chapter 532, Statutes of 2014) establishes a process for a California Native American tribe to engage and consult during CEQA review to avoid significant effects on tribal cultural resources.

AB 685 (Eng, Chapter 524, Statutes of 2012) enacts the Human Right to Water state policy.

Staff Comments: 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 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.

The extent to which the requirements of this bill overlap with the existing and ongoing efforts is not entirely clear. 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 – staff note ongoing costs to applicable agencies could be substantial.

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