

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

AB 2770 (Alvarez) – As Amended April 6, 2026

SUBJECT: State Property: San Pasqual Battlefield State Park

SUMMARY: Requires the Department of General Services (DGS) to quitclaim San Pasqual Battlefield State Historic Park (SHP) to the San Pasqual Band of Mission Indians. Specifically, **this bill:**

- 1) Requires DGS to quitclaim to the San Pasqual Band of Mission Indians, at no cost to the tribe, all interests of the state in the land that it owns within the San Pasqual Battlefield SHP, consisting of three parcels of land totaling approximately 3.68 acres, notwithstanding other law.
- 2) Encourages the City of San Diego to transfer to the San Pasqual Band of Mission Indians all of the city's interests in the land the city owns within the San Pasqual Battlefield SHP.
- 3) Requires the state, at no cost to the tribe, to relinquish or transfer to the San Pasqual Band of Mission Indians all rights and interests that the state has in those lands through lease, permit, or otherwise, and take any and all other actions necessary to effectuate the City of San Diego's transfer of the land to the San Pasqual Band of Mission Indians, if the City of San Diego agrees to transfer the land that it owns within the San Pasqual Battlefield SHP to the San Pasqual Band of Mission Indians.
- 4) Finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances surrounding the history of the ancestral lands of the San Pasqual Band of Mission Indians and the state's attempt rectify the recognized wrongs of the state by returning the land to the San Pasqual Band of Mission Indians.
- 5) Finds and declares that this bill serves a public purpose of attempting to rectify the recognized wrongs of the state in discriminating against Native Americans and to heal the relationship between the state and the San Pasqual Band of Mission Indians, and also serves a public purpose of allowing the San Pasqual Band of Mission Indians to operate a public park to educate the public on the tribe's history and contributions to the community, and for all of these reasons, does not constitute a gift of public funds within the meaning of Section 6 of Article XVI of the California Constitution.

EXISTING LAW:

- 1) Establishes DGS within the Government Operations Agency, and requires the director to perform various functions and duties with respect to property within the state, including entering into lease agreements (Government Code § 14600 *et seq.*).

- 2) Requires that DGS approve every contract for the acquisition of real property by the state, unless exempted by the Legislature (Government Code § 11005).
- 3) Establishes criteria for state agencies to use in determining and reporting excess lands. A state agency must report land as surplus that is:
 - a) Not currently utilized, or is underutilized, for any existing or ongoing programs;
 - b) Land for which the agency cannot identify a specific utilization relative to future needs; or
 - c) Land not identified by the state agency within its master plan for facility development (Government Code § 11011).
- 4) Determines that surplus state real property (i.e., any real property declared surplus by the Legislature and directed to be disposed of by DGS) shall be subject to, among others, the following requirements:
 - a) Permits DGS to dispose of surplus state real property by sale, lease, exchange, or other manner of disposition of property, as authorized by the Legislature upon any terms and conditions and subject to any reservations and exceptions DGS deems to be in the best interests of the state.
 - b) Gives priority to the disposal of surplus state real property to housing for persons and families of low or moderate income, where land is suitable for housing and there is a need for housing in the community. Priority shall next be given to the local agency that intends to use the surplus state real property for open space, public parks, or development of local government-owned facilities.
 - c) Requires DGS to transfer the surplus state real property to the local agency offering the highest price above fair market value (i.e., an appraisal and economic evaluation conducted by DGS or approved by DGS), if more than one local agency desires the surplus state real property for use as an open space, a public park, or the development of a local government-owned facility.
 - d) Permits the Director of DGS to transfer surplus state real property to a local agency for less than fair market value if the local agency uses the surplus state real property for parks or open-space purposes.
 - e) Requires 30 days prior to executing a transaction for a sale, lease, exchange, a sale combined with an exchange, or other manner of disposition of the surplus state real property for less than fair market value or for affordable housing or housing for formerly incarcerated individuals, or as authorized by the Legislature, the director of DGS to report to the chairpersons of the fiscal committees of the Legislature all of the following:
 - i) The financial terms of the transaction;
 - ii) A comparison of fair market value for the surplus state real property and the terms listed in (i); and

- iii) The basis for agreeing to terms and conditions other than fair market value.
 - f) Requires the director of DGS to except and reserve to the state all mineral deposits and the right to prospect, mine, and remove those deposits, from the sale or exchange of surplus state real property, unless the director of DGS determines there is little or no potential for mineral deposits (Government Code § 11011.1).
- 5) Encourages and authorizes all state agencies to cooperate with federally recognized California Indian tribes on matters of economic development and improvement for the tribes (Government Code § 11019.8).
 - 6) Encourages the State of California and its agencies to consult on a government-to-government basis with federally recognized tribes, and to consult with nonfederally recognized tribes. Requires government-to-government consultation training (Government Code § 11019.81).
 - 7) Encourages the Natural Resources Agency (CNRA), and its departments, boards, conservancies, and commissions, to enter into cogovernance and comanagement agreements with federally recognized tribes. Permits the Secretary of CNRA or a delegate to enter into cogovernance and comanagement agreements with federally recognized tribes for the purposes of shared responsibility, decisionmaking, and partnership in resource management and conservation within a tribe's ancestral lands and waters (Government Code § 11019.82).
 - 8) Establishes the California state park system and vests the Department of Parks and Recreation (State Parks) with control of the state park system and responsibility for administering, protecting, developing, and interpreting state parks for the use and enjoyment of the public [Public Resource Code (PRC) § 5001 *et seq.*].
 - 9) Provides that State Parks, with the consent of the Department of Finance, may acquire the title to or any interest in real property that State Parks deems necessary or proper for the extension, improvement, or development of the state park system. All real and personal property acquired by State Parks for the state park system shall be under the jurisdiction of State Parks immediately upon transfer of title to the state (PRC § 5006).
 - 10) Permits State Parks to lease state park properties if the lease is compatible with state park purposes and lease properties for the extension, improvement or development of the state park system, for fair market value. Requires DGS to appraise the lands approved to be leased (PRC §§ 5003.17, 5006.5, and 5063).
 - 11) Prohibits the commercial exploitation of resources in units of the state park system, with some exceptions (PRC § 5001.65).
 - 12) Requires that any net proceeds of any sale made on behalf of State Parks pursuant to Government Code § 11011 of any real property originally acquired for state park purposes, regardless of whether that real property is under the jurisdiction of State Parks, shall be deposited in the fund which was the original source for the acquisition of the property and shall be available for appropriation for the further extension, improvement, or development of the state park system (PRC § 5003.15)

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

1) **Purpose of this bill.** According to the author:

“[This bill] is a critical step toward justice for the San Pasqual Band of Mission Indians, whose ancestral lands in the San Pasqual Valley were stripped from them through a legacy of state and federal failures. This bill rectifies a historic wrong by returning state-owned parcels within the San Pasqual Battlefield [SHP]—land that holds profound cultural and spiritual significance, including a tribal cemetery—to the tribe at no cost. By transferring these 3.68 acres, we honor the tribe’s unbroken connection to this land and align with California’s commitment to reconciliation with Native communities.

The San Pasqual Band of Mission Indians envisions a public park that celebrates their history and contributions—a space for healing and learning that benefits all Californians. [This bill] is not just about land; it’s about seizing this opportunity to turn empty promises into meaningful progress and demonstrate that California’s path forward includes honoring its past.”

2) **Background.** California is home to the largest Native American population in the country and has 110 federally recognized tribes,¹ with another 81 groups seeking federal recognition.² According to 2020 U.S. Census data, 631,016 Californians identify as “American Indian” or “Alaska Native”; when including the Californians that identify as “American Indian” or “Alaska Native” in combination with another race or ethnicity, the number of Native Americans in California increases to 1.4 million residents.³

Very few Native Americans live on their ancestral lands in California today. This is due to the repeated efforts of Spanish, Mexican, Russian, and U.S. governments to subdue and displace Indigenous peoples: “All four colonial nations sponsored policies that uprooted Indigenous People and communities from the lands in which they were created, and all four deployed violence, in the form of slavery, genocide, and an administrative state bent on eliminating California Indian people.”⁴

The federal government sent three commissioners to California to negotiate treaties with California tribes in 1851. These commissioners negotiated 18 treaties with 139 tribes that

¹ U.S. Department of Health and Human Services, Indian Health Service. (2022, Jan 28). List of Federally-Recognized Tribes in CA. <https://www.ihs.gov/california/index.cfm/tribal-consultation/resources-for-tribal-leaders/list-of-federally-recognized-tribes-in-ca/>.

² Center for Families, Children & the Courts. (2012, Jan). Frequently Asked Questions: Indian Tribes and Tribal Communities in California. <https://www.courts.ca.gov/documents/TribalFAQs.pdf>.

³ U.S. Census Bureau. (2020, Aug 12). Race and Ethnicity in the United States: 2010 Census and 2020 Census. <https://www.census.gov/library/visualizations/interactive/race-and-ethnicity-in-the-united-state-2010-and-2020-census.html>.

⁴ Akins, D. and Bauer, Jr., W. (2021). *We Are the Land: A History of Native California*. Oakland: University of California Press, p. 3.

would have set aside approximately 7.5 million acres for Indian use and granted other rights to Native Californians; however, when President Fillmore submitted the treaties to the U.S. Senate for ratification in February 1852, senators from California objected and the U.S. Senate rejected the treaties during a secret session. The U.S. Senate then placed the treaties in its archive, concealing the existence of these treaties from the public for more than 50 years.⁵ In 1903, the federal government sent another Indian agent to California to settle Indians on reserved lands. By that time, however, many tribes no longer lived on their ancestral lands, so small plots of land were established for Indian families. California Native American tribes lost access to land, water, cultural resources, and more as a result of this tragic history.

Lands legally controlled by tribes in California today result from presidential executive order, federal statute, or action by tribes and tribal members themselves to purchase land.

Modern state support for tribal stewardship and access. As of March 2026, CNRA and its departments, conservancies, and commissions and agencies from across the state have supported, through funding or other opportunities, the return of approximately 103,000 acres of land back to California Native American tribes, with more acres expected to be returned soon. The California Department of Fish and Wildlife and many other CNRA departments are actively developing additional tribal access and collaboration agreements with tribes across California. Examples include:

- Establishment and initial funding of \$100 million for the Tribal Nature-Based Solutions Grant Program to support approximately 49,000 acres of land to be returned to California Native American tribes;
- Establishment and initial funding of \$29 million for the Tribal Wildfire and Forest Resiliency Grant Program and has already supported 15 tribes' wildfire resilience and forestry management priorities;
- Establishment and initial funding of \$10 million for the Tribal Youth Conservation Corps Grant Program, creating five new programs and providing job training opportunities for tribal youth; and
- Passage of the \$10 billion Climate Bond that provides for \$75 million in tribal set asides and includes the mandate of 40% of the bond funding to deliver meaningful and direct benefits to vulnerable populations, disadvantaged communities, and severely disadvantaged communities, including California Native American tribes.

Tribal Stewardship Policy. On March 17, 2026, CNRA launched the state's first Tribal Stewardship Policy (Policy), establishing a statewide goal of expanding tribal stewardship over at least 7.5 million acres of lands and coastal waters in California (the same quantity of property that was never delivered by the state in 1852). The Policy sets clear standards to institutionalize meaningful and durable tribal-state partnerships and advance tribal stewardship through tribal access, collaboration, and ancestral land return. The Policy is

⁵ U.S. National Park Service. (2004, Nov 17). A History of Native American Indians in California 1849-1879. https://www.nps.gov/parkhistory/online_books/5views/5views1c.htm.

supported by a companion toolkit containing training materials, templates, webinars, and technical resources designed for tribes, agency staff, and partners working to advance access, collaboration, and land return. The Policy aims to better support tribes and sustainable tribal partnerships through:

- Durable and consistent access to ancestral lands and coastal waters for cultural use, stewardship, and general visitation;
- Clear recognition of tribes as land and water stewards and decision-making partners;
- Stronger pathways for ancestral land return and long-term ownership;
- Reduced administrative barriers through consistent standards across state agencies;
- Formal recognition of Traditional Ecological Knowledge as essential to land and water management; and
- Practical tools and guidance supporting implementation and partnership building.

Tribal stewardship is defined by each individual tribe through tribal constitutions, laws, resolution, programming priorities, cultural and religious practices, ceremonies, or other measures. Tribal stewardship can include actions to care for and manage specific areas of land, landscapes or watersheds, plant and animal communities, and natural resources for cultural and ecological objectives. The state's Tribal Stewardship Policy highlights three key pathways to advance meaningful and durable tribal stewardship:

Ancestral Land Return is the return or re-acquisition of property or property rights, and can include ownership of land, water, air, and mineral rights to a California Native American tribe within the tribe's ancestral territory. Some recent examples include:

- The Washoe Tribe purchased over 10,000 acres from the City of Santa Clara in February 2026 for \$6 million dollars, with the support of the Northern Sierra Partnership, the Feather River Land Trust, and a \$5.5 million grant from the Wildlife Conservation Board.
- The Hoopa Valley Tribe purchased 10,395 acres in Hupa Mountain to restore healthy forests, increase access to tribal members, create jobs and restoration economy for the Tribe, restore salmon runs and elk populations, and maintain the carbon credits commitments on the property. The Tribe worked closely with The Conservation Fund to fundraise public and private dollars for the purchase of the property. This included philanthropic funders, the California State Coastal Conservancy, and CNRA's Tribal Nature Based Solutions Grant Program.

Collaboration describes the act of building a relationship between one or more California Native American tribe(s) and one or more non-tribal entities for the stewardship of a defined area, infrastructure, project, species, or natural resource. For example:

- In 2020 The Yurok Tribe signed a Joint Powers Authority agreement with California State Parks to operate the Stone Lagoon Visitor Center at Humboldt Lagoons State Park in 2020. The Tribe reopened the renovated and renamed Chah-pek-w O' Ket'-toh Visitor Center in 2022. The Tribe has used their authority to share Yurok history and current management of the area with visitors, to conduct cultural events, and to sell concessions honoring Yurok artisans, historians, and storytellers.
- Big Valley Band of Pomo Indians of the Big Valley Rancheria signed a MOU with California State Parks to collaboratively manage Clear Lake State Park, which is within the Tribe's ancestral homelands.

Access means California Native American tribes have access to their ancestral lands and the ability to engage in activities that encourage tribal members to experience, enjoy, use, and be in relation with their ancestral lands, the outdoors and environment, sacred places, ceremonies, tribal cultural resources, and natural resources. For example:

- The Yurok Tribe partnered with California State Parks to re-name what was previously called Patrick's Point State Park to Sue-meg State Park. The name "Sue-meg" has been used by the Yurok people to describe the area where the Park is now located since time immemorial. The name change helps create a more welcoming space by acknowledging historical wrongs and accurately reflecting the Yurok history and cultural of these lands. The Yurok Tribe formally requested the name change as part of the state's Reexamining Our Past Initiative in January 2021. The following September, the California State Park and Recreation Commission voted unanimously to approve the name change.

Tribes and State Parks. On September 25, 2020, CNRA, State Parks, and the Department of Transportation jointly announced the Reexamining Our Past Initiative—a statewide effort to survey, evaluate and redress the names of existing state parks (including features within the state parks systems such as trails), monuments and transportation systems with racist or discriminatory roots. The state agencies are working with California Native American tribes, universities, and community partners to address the terms identified.

State Parks is currently in the process of developing tribal land acknowledgements for all 280 state parks through new signage and improved interpretation that will better connect the public with tribal history and contemporary experiences. So far, State Parks has consulted with 80 tribes to develop tribal land acknowledgements to be included in signage at 88 state parks. The 2022–23 state budget included nearly \$10 million to develop a plan for this work and to update and better contextualize the history of California Native Americans in existing visitor center and museum exhibits at 24 state parks.

State Parks has entered into 14 Memoranda of Understanding (MOUs) and one Joint Powers Agreements with California Native American tribes for tribal access and collaboration over 89 parks units, covering approximately 939,000 acres of land.

The San Pasqual Band of Mission Indians. According to their website, the ancestors of the San Pasqual Indians lived for thousands of years in the valley carved by the Santa Ysabel Creek near the present site of the San Diego Zoo's Wild Animal Park. San Pasqual is one of

thirteen bands that make up the Kumeyaay Nation in Southern California. There are four other Kumeyaay bands in Northern Mexico. After the arrival of the Spaniards and the establishment of Mission San Diego de Alcalá in 1769, many Kumeyaay either left or were forced out of their ancestral homes. The San Pasqual Band of Mission Indians is a federally recognized tribe that maintains a Reservation covering about 1,380 acres in northeastern San Diego County in Southern California. The Reservation is home to about 800 people, including 450 enrolled tribal members.

San Pasqual Battlefield SHP. The San Pasqual Battlefield State Historic Park highlights the rich cultural history of the San Pasqual Valley, featuring exhibits on the Kumeyaay people, the region's Indigenous inhabitants, and commemorates the 1846 Battle of San Pasqual during the Mexican-American War. In recognition of the Kumeyaay ancestry, State Parks is working closely with the San Pasqual Band of Mission Indians to incorporate the robust history, culture, and traditional ecological knowledge of the Kumeyaay people into the park's visitor center, trails, and programs.

Visitors can explore the Battlefield Monument Trail, a scenic 1.5-mile route leading to the San Pasqual Battlefield Monument, erected in 1925. A shorter nature trail offers a moderate hike through the park's chaparral landscape. Currently, this State Park is closed to the public for day use, but special events continue to be hosted.

San Pasqual Battlefield State Historic Park spans 50 acres in the San Pasqual Valley. Only 3.68 acres is owned by State Park and the rest is owned by the City of San Diego. Currently, there is no MOU between the San Pasqual Band and State Parks regarding this property.

State Park process for real property dispossession. There is no clear statutory or administrative process for State Parks to sell, grant, or dispose of state park properties. According to State Parks, it is unclear if it has ever removed properties from the state park system. Without clear statutory authority, it is unlikely that State Parks could dispose of any property. The only route by which state park property could be disposed would be to declare the land surplus (see Existing Law #4), although it is unlikely state park property would ever qualify.

- 3) **Proposed committee amendments.** The Committee may wish the author to incorporate the following amendments into this bill to clarify allowed and prohibited uses of the parcels.

Add an additional subdivision to this bill:

(b) The grant to the San Pasqual Band of Mission Indians pursuant to subdivision (a) is subject to all of the following conditions:

(1) Any agreements, including, but not limited to, leases, in which the State of California is a counterparty, and which concern the lands subject to the grant, shall be terminated by operation of law upon the conveyance of the lands pursuant to subdivision (a) to the San Pasqual Band of Mission Indians.

(2) The deed conveying the lands pursuant to subdivision (a) shall restrict the San Pasqual Band of Mission Indians' commercial use of the lands solely to operating a cultural or

educational center. No other commercial use or development, including, but not limited to, gaming, shall be permitted on the lands. Notwithstanding the preceding sentence, nothing herein shall prevent the San Pasqual Band of Mission Indians from operating commercial uses related to the enjoyment of educational and cultural experiences tied to the San Pasqual Band of Mission Indians' culture and history or related to the San Pasqual Band of Mission Indians' operation of a cultural or educational center, including, but not limited to, a gift shop, snack bar, parking lot, or other similar uses.

(3) The lands transferred pursuant to subdivision (a), and improvements on those lands, shall not be subsequently sold or transferred, except as necessary for the United States to hold the lands in trust on behalf of the San Pasqual Band of Mission Indians, in which case that transfer into trust status is not prohibited by this section.

(4) The lands transferred pursuant to subdivision (a), and improvements on those lands, shall not be encumbered. For purposes of this paragraph, "encumbered" includes, but is not limited to, mortgaging the property, pledging the property as collateral, or any other transaction where the property would serve as security for borrowed funds. Any lease of the land and improvements shall be consistent with the purposes for which the land and improvements are granted.

(5) The lands transferred pursuant to subdivision (a), and improvements on those lands, shall not be subject to any real property taxation and no documentary transfer tax shall apply with respect to any deed, instrument, or writing effectuating that transfer.

(6) The grant of lands pursuant to subdivision (a) shall be valid only if the San Pasqual Band of Mission Indians' Tribal Council adopts a resolution pursuant to its tribal law accepting the fee title grants in accordance with the conditions set forth in this section.

(7) Public access shall be subject to reasonable regulations adopted by the San Pasqual Band of Mission Indians pursuant to its inherent sovereign authority as landowner, provided that public recreation activities shall be limited to existing trails and roads, and that the use of off-road vehicles and e-bicycles shall be prohibited.

- 4) **Arguments in support.** The Chairman of the San Pasqual Band of Mission Indians writes in support and sponsorship of this bill. The Chairman shares the some of the ancestral homeland of the San Pasqual Band of Mission Indians became property of the state and is now the San Pasqual Battlefield State Historic Park. "This state park has not been in operation for many years and remains closed to this day. We believe that this return of ancestral land back to San Pasqual is in line with the Governor's and Legislature's commitment to ensure the protection and well being of California's first people, our cultures, and our land."
- 5) **Double referral.** This bill is also referred to the Assembly Governmental Organization Committee.
- 6) **Related legislation.** AB 2356 (Ramos) of the current legislative session requires DGS to grant Tolowa Dunes State Park to the Tolowa Dee-ni' Nation. AB 2356 is pending in this Committee.

AB 971 (Alvarez) of 2025, was substantially similar to this bill. AB 971 was held 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 tribes and nonfederal recognized tribes as appropriate. Further, requires designated state officials, including the director of each state department, chair and executive officer of each state commission, and the chief counsel of any state agency, to have completed government-to-government consultation training by January 1, 2025 or within six months of appointment.

AB 1284 (Ramos), Chapter 657, Statutes of 2024. encourages CNRA, and its departments, boards, conservancies, and commissions, to enter into cogovernance and comanagement agreements with federally recognized tribes. Authorizes the Secretary of CNRA, or a delegate, to enter into cogovernance and comanagement agreements with federally recognized tribes for the purposes of shared responsibility, decisionmaking, and partnership in resource management and conservation within a tribe's ancestral lands and waters.

SB 231 (McGuire), Chapter 289, Statutes of 2021, authorizes the Department of Transportation, upon terms, standards, and conditions approved by the California Transportation Commission, to transfer the Blues Beach property located in the unincorporated community of Westport in the County of Mendocino at no cost to a qualified nonprofit corporation, which the bill would define as a nonprofit corporation that is organized by one or more specified California Native American tribes for the purpose of environmental protection.

ACR 155 (Garcia) of the current legislative session, among other things, states the Native Sons of the Golden West and Native Daughters of the Golden West, have acquired, reconstructed, restored, and preserved buildings and sites of statewide historical significance in virtually every county of the state without the use of tax dollars, including San Pasqual Battlefield State Historic Park in the City of Escondido.

REGISTERED SUPPORT / OPPOSITION:

Support

San Pasqual Band of Mission Indians (Sponsor)
Tolowa Dee-ni' Nation

Opposition

None on file

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