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# SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Josh Becker, Chair

2025 - 2026 Regular

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**Bill No:** AB 2770 **Hearing Date:** July 1, 2026  
**Author:** Alvarez  
**Version:** June 11, 2026 Amended  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Edith Hannigan

**Subject:** State Property: San Pasqual Battlefield State Park

## SUMMARY

This bill would require the Department of Parks and Recreation to quitclaim, forthwith, the state-owned land in the San Pasqual Battlefield State Historic Park.

## BACKGROUND AND EXISTING LAW

**California Native American Tribes.** California is home to the largest Native American population in the country and has 110 federally recognized tribes,<sup>1</sup> with another 81 groups seeking federal recognition.<sup>2</sup> 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.<sup>3</sup>

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.”<sup>4</sup>

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 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

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<sup>1</sup> 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/>.

<sup>2</sup> 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>.

<sup>3</sup> 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>.

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

from the public for more than 50 years.<sup>5</sup> 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, the California Natural Resources Agency (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 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:

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<sup>5</sup> 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](https://www.nps.gov/parkhistory/online_books/5views/5views1c.htm).

- 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 the Department of Parks and Recreation (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 Memoranda of Understanding (MOU) with 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 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 use 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 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 State Historic Park (SHP).*** The San Pasqual Battlefield SHP 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 SHP spans 50 acres in the San Pasqual Valley. Only 3.68 acres is owned by State Parks 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.

***Existing Law:***

- 1) Establishes the Department of General Services (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) 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).
- 4) 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).
- 5) Encourages 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).
- 6) Establishes the California state park system and vests 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.*).

- 7) 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).
- 8) Prohibits the commercial exploitation of resources in units of the state park system, with some exceptions (PRC § 5001.65).

## PROPOSED LAW

This bill would:

- 1) Require State Parks to quitclaim, forthwith, all interests of the state in the land owned within the San Pasqual Battlefield State Park, to the San Pasqual Band of Mission Indians, at no cost to the tribe.
- 2) Place conditions on the quitclaim deed including:
  - a) The termination of all agreements, including but not limited to leases, that the state is a counterparty and which concerns the land subject to the quitclaim, upon conveyance to the tribe.
  - b) Restricting the San Pasqual Band of Mission Indians' commercial use of the lands solely to operating a cultural or educational center.
    - i.) The educational center shall include artifacts, displays, and information relating to the 1846 Battle of San Pasqual, including the role of the Mormon Battalion in that battle and in the Mexican-American War, and the lasting impacts of the battle on surrounding communities.
    - ii.) No other commercial use or development, including, but not limited to, gaming, shall be permitted on the lands.
    - iii.) Authorizes the tribe to operate 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 use.
  - c) Prohibiting the subsequent sale or transfer of these lands and improvements on those lands, except as necessary for the United States to hold the lands in trust on behalf of the San Pasqual Band of Mission Indians.
  - d) Prohibiting the encumbrance of these lands and improvements on those lands.

- i.) “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.
    - ii.) Any lease of the land and improvements shall be consistent with the purposes for which the land and improvements are granted.
  - e) Prohibiting these lands from being subject to real property taxation, and establishing that no documentary transfer tax shall apply with respect to any deed, instrument, or writing effectuating the transfer.
  - f) Establishing that the grant of lands 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 these conditions.
  - g) Authorizes public access, 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.
- 3) Encourage 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 State Park.
- a) Requires the state, if the City of San Diego agrees to transfer the land that it owns within the San Pasqual Battlefield State Park to the San Pasqual Band of Mission Indians, to, at no cost to the tribe, 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.
- 4) Find and declare 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) Find and declare 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.

**ARGUMENTS IN SUPPORT**

According to the author, “AB 2770 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 State Park—land that holds profound cultural and spiritual significance, including a tribal cemetery—to the tribe at no cost. For too long, this park has sat closed and unused, a symbol of erasure rather than education. 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. AB 2770 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.”

**ARGUMENTS IN OPPOSITION**

None received.

**COMMENTS**

***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.

Earlier versions of this bill required DGS to quitclaim the park to the tribe, but DGS does not have the authority to transfer land it does not control. The current version of the bill requires State Parks to quitclaim the park, but State Parks cannot transfer land without going through the standard land transfer processes through DGS, whereby DGS ensures the real estate transfer process is sound. Metaphorically, State Parks owns a house, which they want to “sell” to the tribe, and DGS acts as the real estate agent or mortgage broker who facilitates the transfer.

To avoid confusion, the committee may wish to amend the bill to specify that the state shall quitclaim the land, rather than any specific department. **[SEE Amendment #1]**

Generally, in quitclaim processes for the state, the state is required to provide public notice of the quitclaim in local newspapers and on the property in question. The committee may wish to amend the bill to require similar noticing requirements. **[SEE Amendment #1]**

***Adjacent City-Owned Property.*** Most of the SHP in question is land owned by the City of San Diego and leased to State Parks to create the SHP.

This land owned by the City is held by their Public Utilities Department (PUD) as assets of the water system to preserve water rights within the San Pasqual Groundwater Basin

and Sutherland Reservoir (upstream) and for the protection of water quality within Hodges Reservoir (downstream).

The San Pasqual Valley Basin was listed as a medium priority groundwater basin under the Sustainable Groundwater Management Act (SGMA), requiring the formation of a Groundwater Sustainability Agency (GSA) and preparation of the Groundwater Sustainability Plan (GSP).

The City entered into an agreement with the County of San Diego to form a GSA and the San Pasqual GSP was adopted by governing bodies of the GSA agencies in late 2021 and submitted to the State (the Department of Water Resources, DWR) in January 2022.

The City is currently performing a periodic evaluation of the Groundwater Basin which is due to DWR in January 2027. The City, as part of the GSA, is obligated to ensure sustainable management of the basin as defined by SGMA and the adopted and approved GSP. Annual reporting is also completed to evaluate basin sustainability. Factors the City monitors in the basin include groundwater storage and levels, water quality, and potential depletions of interconnected surface waters.

The California Constitution sets forth the police power of local governments in Article XI, Section 7: “A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.”

Given this power of local governments to protect the public health, safety, and welfare of its residents – such as preserving water quality – it would be inappropriate for the state to encourage the City of San Diego to transfer their land owned within the State Park to another entity. The Committee may wish to amend this bill to address this potential Constitutional concern. **[SEE Amendments ##2 and 3]**

### **Related legislation**

AB 2356 (Ramos, 2026) would require DGS to grant Tolowa Dunes State Park to the Tolowa Dee-ni’ Nation. This bill was set to be heard in the Assembly Water, Parks, and Wildlife Committee, but was pulled at the request of the author.

ACR 155 (Garcia, 2026), among other things, would state 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. This resolution has not been referred.

AB 971 (Alvarez, 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.

## SUGGESTED AMENDMENTS

### AMENDMENT 1

Amend proposed section 14673.14(a) as follows:

**14673.14.** (a) Notwithstanding Section 11011.1, the ~~state Department of Parks and Recreation~~ shall quitclaim forthwith to the San Pasqual Band of Mission Indians, at no cost to the tribe, all interests of the state in the land owned within the San Pasqual Battlefield State Park, consisting of three parcels of land totaling approximately 3.68 acres. The state shall publish public notice thereof in a newspaper in San Diego County and shall post a notice for ten days at the intersection of the public right of way and the property.

### AMENDMENT 2

Amend non-codified findings as follows:

[...]

(b) Therefore, in recognition of the state's past wrongdoings concerning the "violence, maltreatment and neglect California inflicted on tribes" and in furtherance of its policy to assist tribes "interested in acquiring natural lands in excess of State needs," the Legislature intends to do both of the following:

(1) Return to the San Pasqual Band of Mission Indians the land the state owns within the San Pasqual Battlefield State Park.

(2) ~~Encourage the City of San Diego to return to the San Pasqual Band of Mission Indians the land the city owns within the San Pasqual Battlefield State Park. Further, to the extent~~ If the City of San Diego agrees to return the land it owns to the San Pasqual Band of Mission Indians, the state intends to transfer or renounce all state interests in the city's lands in order to effectuate the transfer of land to the San Pasqual Band of Mission Indians.

[...]

**AMENDMENT 3**

Amend proposed section 14673.14(c) as follows:

~~(c) (1) The state 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 State Park.~~

(2) If the City of San Diego agrees to transfer the land that it owns within the San Pasqual Battlefield State Park to the San Pasqual Band of Mission Indians, the state shall, at no cost to the tribe, 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.

**SUPPORT**

San Pasqual Band of Mission Indians (sponsor)

**OPPOSITION**

None received

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