
THIRD READING

Bill No: AB 2770
Author: Alvarez (D), et al.
Amended: 7/2/26 in Senate
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 7-0, 7/1/26

AYES: Becker, Seyarto, Allen, Cabaldon, Grove, Laird, Stern

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 77-0, 5/26/26 - See last page for vote

SUBJECT: State Property: San Pasqual Battlefield State Park

SOURCE: Author

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

ANALYSIS:

Existing law:

- 1) 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).
- 2) 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).
- 3) Encourages the California Natural Resources Agency (CNRA), and its departments, boards, conservancies, and commissions, to enter into co-governance and co-management agreements with federally recognized tribes.

Permits the Secretary of CNRA or a delegate to enter into co-governance and co-management agreements with federally recognized tribes for the purposes of shared responsibility, decision-making, and partnership in resource management and conservation within a tribe's ancestral lands and waters (Government Code § 11019.82).

- 4) 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.*].
- 5) Prohibits the commercial exploitation of resources in units of the state park system, with some exceptions (PRC § 5001.65).

This bill:

- 1) Requires 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.
 - a) Requires the state to publish public notice of the quitclaim in a County of San Diego newspaper and at the intersection of the public right-of-way and the property.
- 2) Places 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) The authorization of 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) 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) 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.

Comments

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.

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, this state park is closed to the public for day use, but special events continue to be hosted. There is no MOU between the San Pasqual Band and State Parks regarding this property.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

- The Department of Parks and Recreation (State Parks) has identified one-time General Fund implications of approximately \$278,000 if the department's 3.68 acres of property were transferred to the tribe. DGS would charge State Parks for the land conveyance, estimated between \$100,000–\$200,000, and contingent upon the details of the transaction. State Parks has an existing lease with the San Diego Archaeological Society and anticipates lease termination costs approximately \$5,000. Additionally, the Archaeological Center houses some of the department's and other entities' collections. State Parks estimates

costs of approximately \$30,000 for specialized packing, and \$43,000 for temporary storage of the Curatorial Collection, with additional significant costs for moving and long-term storage at the Statewide Museum Collections Center in Sacramento. The City of San Diego has indicated they would be unable to transfer the property they own, approximately 65 acres, therefore, costs associated with effectuating the City's transfer of land have not been included in the above total but would include \$5,000 for terminating the lease with the City, and \$38,000 for additional relocation of materials and collections.

- One-time revenue loss of an unknown amount, potentially in excess of \$150,000, to the state by quitclaiming SPB State Park at no cost to the tribe, thus foregoing a future sale of the property by the state (General Fund). At the time this analysis was prepared, the committee did not know the current estimated value of the property. To the extent there is deferred maintenance on the property, requiring the state to quitclaim the park may also result in potential one-time costs and ongoing cost savings of an unknown amount to State Parks, as State Parks may need to undertake maintenance activities prior to the transfer, but would no longer need to continue maintenance afterward.
- One-time local costs, likely minor, to the City of San Diego to exempt the transferred lands from property taxation. These costs are potentially reimbursable by the state, subject to a determination by the Commission on State Mandates, although it is unlikely the city would submit a claim. And while the bill exempts transferred lands, and improvements on those lands, from real property and documentary transfer taxes, the bill states that the state shall not reimburse any local agency for lost property tax revenue.

SUPPORT: (Verified 8/13/26)

Tolowa Dee-Ni' Nation
San Pasqual Band of Mission Indians

OPPOSITION: (Verified 8/13/26)

California Department of Finance

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: The California Department of Finance's opposition analysis states, "Finance is opposed to this bill because it will result in additional General Fund costs not included in the 2026 Budget Act and it will set a precedent that will likely result in Parks, and possibly other departments, being pressured to quitclaim other properties throughout the state leading to additional cost pressures.

"Finance also notes that Parks works closely with many California Native American tribes throughout the state and has entered into memorandums of understanding, joint powers agreements, leases, and operating agreements to address various requests for protection of cultural resources, creation and management of interpretive elements, and enhanced access to park units. Similar agreements may address the interests of the San Pasqual Band of Mission Indians while avoiding the negative consequences of this bill.

"Furthermore, utility easements granted by the City of San Diego prevent the city from quitclaiming the majority of the property and the city has expressed opposition to relinquishing the property regardless of the easements. Without the city's portion of the property, this bill would be limited in resolving the problem it seeks to remedy."

ASSEMBLY FLOOR: 77-0, 5/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-

Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks,
Wilson, Zbur, Rivas

NO VOTE RECORDED: Muratsuchi, Celeste Rodriguez, Sanchez

Prepared by: Edith Hannigan / N.R. & W. / (916) 651-4116
8/14/26 14:18:36

**** **END** ****