

117TH CONGRESS
1ST SESSION

H. R. 2443

To authorize the Secretary of the Interior to transfer title of the Orland Project located in Glenn, Tehama, and Colusa counties in the State of California to a local public agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2021

Mr. GARAMENDI (for himself and Mr. LAMALFA) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To authorize the Secretary of the Interior to transfer title of the Orland Project located in Glenn, Tehama, and Colusa counties in the State of California to a local public agency, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Orland Project Trans-
5 fer Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

1 (1) Authorized in 1907, the Orland Project is
2 one of the smallest projects ever undertaken by the
3 Bureau of Reclamation.

4 (2) The East Park Reservoir located in Colusa
5 County, California, has a storage capacity of 50,900
6 acre-feet of water and the Stony Gorge Reservoir lo-
7 cated in Glenn County, California, has a storage ca-
8 pacity of 50,380 acre-feet of water.

9 (3) The Orland Project irrigates approximately
10 1 percent (approximately 21,000 acres) of the Sac-
11 ramento Valley's total irrigable soil with a portion of
12 the total stream runoff of approximately 410,000
13 acre-feet of water each year.

14 (4) Incorporated in 1907 and based in the City
15 of Orland, California, the Orland Unit Water Users'
16 Association has been responsible for the care, oper-
17 ation, and maintenance of the Orland Project since
18 1954, under a contract with the Bureau of Reclama-
19 tion.

20 (5) The Orland Unit Water Users' Association's
21 financial obligation for the construction of the
22 Orland Project was fully repaid to the Federal Gov-
23 ernment on March 31, 1989.

24 (6) To receive title to the Orland Project, the
25 Orland Unit Water Users' Association is planning to

1 reincorporate as a local public agency under the laws
2 of the State of California, such as a water district,
3 irrigation district, or joint powers agency.

4 (7) The transfer of title to other Federal
5 projects and facilities owned and administered by
6 the Bureau of Reclamation to local public agencies
7 has been authorized and directed by Federal statute,
8 including—

9 (A) in March 2019, the Contra Costa
10 Canal Unit of the Central Valley Project in the
11 State of California to the Contra Costa Water
12 District under section 8302 of the John D.
13 Dingell, Jr. Conservation, Management, and
14 Recreation Act (Public Law 116–9);

15 (B) in December 2000, the Foresthill Di-
16 vide Subunit of the Auburn-Folsom South Unit
17 of the Central Valley Project to the Foresthill
18 Public Utility District under title V of Public
19 Law 106–566 (Sugar Pine Dam and Reservoir
20 Conveyance Act of 2000).

21 (C) in October 2000, the Sly Park Unit of
22 the Central Valley Project to the El Dorado Ir-
23 rigation District under section 212 of the En-
24 ergy and Water Development Appropriations
25 Act, 2001 (enacted by reference in section

1 1(a)(2) of Public Law 106–377; 114 Stat.
2 1441B–13); and

3 (8) All dams and reservoirs to which title is
4 held by non-Federal agencies in the State of Cali-
5 fornia must meet safety regulations promulgated by
6 the Department of Water Resources’ Division of
7 Safety of Dams under the California Water Code.

8 (9) The Bureau of Reclamation will only use
9 available funds to satisfy Federal dam safety stand-
10 ards and regulations.

11 **SEC. 3. TRANSFER OF TITLE.**

12 (a) IN GENERAL.—The Secretary shall transfer all
13 right, title, and interest of the United States in and to
14 the Orland Project located in Glenn, Tehama, and Colusa
15 counties in California, to a qualifying entity, as follows:

16 (1) For facilities and structures of the Orland
17 Project other than the Stony Gorge Dam, not later
18 than 1 year after the qualifying entity submits an
19 application to the California Department of Water
20 Resources’ Division of Safety of Dams for a “Cer-
21 tificate of Approval” under the California Water
22 Code (Division 3, Sections 6000 through 6612) per-
23 taining to the respective facility or structure of the
24 Orland Project.

1 (2) For the Stony Gorge Dam, not later than
2 1 year after the Federal safety of dams repayment
3 obligation for the dam is extinguished or repaid and
4 the qualifying entity submits an application to the
5 California Department of Water Resources' Division
6 of Safety of Dams for a "Certificate of Approval"
7 under the California Water Code (Division 3, Sec-
8 tions 6000 through 6612) for such dam.

9 (3) For the irrigation distribution system of the
10 Orland Project, including approximately 17 miles of
11 canals and 139 miles of laterals, not later than 1
12 year after the qualifying entity requests transfer of
13 the system, in writing, to the Commissioner of Rec-
14 lamation.

15 (4) For the office building, maintenance yard,
16 and appurtenant land used by the qualifying entity
17 in operating and maintaining the Orland Project,
18 not later than 1 year after the qualifying entity re-
19 quests transfer of the aforementioned, in writing, to
20 the Commissioner of Reclamation.

21 (b) WATER RIGHTS.—Each transfer under sub-
22 section (a) shall include all water rights for storage and
23 diversion held by the United States related to the oper-
24 ation of the transferred portion of the Orland Project.

1 (c) CONSULTATION WITH STATE AND QUALIFYING
 2 ENTITY.—Before each transfer under paragraphs (1) and
 3 (2) of subsection (a), the Secretary shall consult with the
 4 State of California’s Department of Water Resources’ Di-
 5 vision of Safety of Dams and the qualifying entity to iden-
 6 tify any dam safety issues requiring remediation.

7 (d) ADMINISTRATIVE COSTS.—Administrative costs
 8 of each transfer under subsection (a) shall be paid in equal
 9 shares by the Secretary and the qualifying entity receiving
 10 title.

11 **SEC. 4. LIABILITY AND REQUIREMENTS.**

12 (a) LIABILITY.—The liability of the United States for
 13 the property transferred under section 3 before and after
 14 the transfer shall be governed by section 8005 of Public
 15 Law 116–9 (43 U.S.C. 2905).

16 (b) FEDERAL LAW.—Each transfer under section 3
 17 shall be in accordance with all Federal environmental laws
 18 as specified under section 8007 of Public Law 116–9 (43
 19 U.S.C. 2907) and any applicable laws of the State of Cali-
 20 fornia.

21 **SEC. 5. MAP.**

22 (a) CORRECTIONS.—The Secretary may make clerical
 23 and typographical corrections to the map entitled the
 24 “Orland Project Facilities” and dated November 2, 2020.

1 Such corrections shall have the same force and effect as
2 if the revised map were included as part of this Act.

3 (b) PUBLIC AVAILABILITY.—Not later than 30 days
4 after the date of the enactment of this Act, the map enti-
5 tled the “Orland Project Facilities” and dated November
6 2, 2020, and, not later than 30 days after a revised map
7 is in effect, any subsequent revised map, shall be publicly
8 available on the website of the Bureau of Reclamation.

9 **SEC. 6. LIMITATIONS ON FUTURE BENEFITS.**

10 After each transfer under section 3, the transferred
11 portion shall not be considered a Federal reclamation
12 project. The qualifying entity to which the Orland Project
13 is transferred under section 3 shall be subject to the limi-
14 tations regarding future benefits under paragraphs (2)
15 and (3) of section 8006 of Public Law 116–9 (43 U.S.C.
16 2906).

17 **SEC. 7. USE OF PROCEEDS FROM SALE OF PROJECT**
18 **WATER.**

19 Notwithstanding the provisions of the Act of Feb-
20 ruary 25, 1920 (43 U.S.C. 521) or any other provision
21 of Reclamation Law addressing the disbursement or cred-
22 iting of money, the Secretary shall review, consider, and,
23 if deemed appropriate by the Secretary, approve the trans-
24 fer, allocation, or reallocation of water made available
25 from the Stony Gorge Dam and Reservoir of the Orland

1 Project where the transfer, allocation, or reallocation is
2 facilitated by the actions or non-actions of a qualifying
3 entity with a contractual or other entitlement to water in-
4 volving the Bureau of Reclamation, upon such conditions
5 of delivery, use, and payment as the Secretary and the
6 qualifying entity may deem proper; *Provided, that* all pro-
7 ceeds and moneys derived from any such transfer shall
8 be promptly remitted to the qualifying entity to pay the
9 costs of safety improvements needed to—

10 (1) help ensure that the East Park, Stony
11 Gorge, Rainbow Diversion, and Northside Diversion
12 Dams and their appurtenant structures of the
13 Orland Project satisfy dam safety standards—

14 (A) under the Federal Guidelines for Dam
15 Safety issued by the Federal Emergency Man-
16 agement Agency or the Interagency Committee
17 on Dam Safety; and

18 (B) required by the State of California
19 under the California Water Code (Division 3,
20 sections 6000 through 6612);

21 (2) address any additional public safety con-
22 cerns identified by the qualifying entity, including
23 any such concerns posed by uncovered irrigation ca-
24 nals of the Orland Project in the City of Orland,
25 California; and

1 (3) repay, in whole or in part, the Federal safe-
2 ty of dams obligation by the qualifying entity to the
3 Bureau of Reclamation pursuant to the Reclamation
4 Safety of Dams Act of November 2, 1978 (43
5 U.S.C. 506, et seq.).

6 **SEC. 8. AMENDMENTS TO EXISTING CONTRACTS.**

7 Not later than 90 days after the date of the enact-
8 ment of this Act, the Secretary shall modify any existing
9 water service or other contract between the Federal Gov-
10 ernment and the qualifying entity to the extent necessary
11 to comply with this Act.

12 **SEC. 9. DEFINITIONS.**

13 For purposes of this Act:

14 (1) **FEDERAL RECLAMATION PROJECT.**—The
15 term “Federal reclamation project” has the meaning
16 given such term under section 8002(7) of Public
17 Law 116–9 (43 U.S.C. 2902(7)).

18 (2) **ORLAND PROJECT.**—The term “Orland
19 Project” means the East Park and Stony Gorge
20 dams, two diversion dams, approximately 17 miles of
21 canals and 139 miles of laterals as generally de-
22 picted on the map entitled the “Orland Project Fa-
23 cilities” and dated November 2, 2020, and includes
24 all interests in land, rights-of-way, easements, water
25 rights, and appurtenant structures associated with

1 the Orland Project in existence on the date of the
2 enactment of this Act, including the irrigation dis-
3 tribution system of the Orland Project, and the of-
4 fice building, maintenance yard, and appurtenant
5 land used by the qualifying entity in operating and
6 maintaining the Orland Project.

7 (3) QUALIFYING ENTITY.—The term “quali-
8 fying entity” has the meaning given such term in
9 section 8002(5) of Public Law 116–9 (43 U.S.C.
10 2902(5)).

11 (4) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior, acting through the
13 Commissioner of Reclamation.

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