

Comparative Print: Changes in Existing Law for Bill number:

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Summary

- (1) 2 amendments.
- (2) 0 automated notifications.

Current Law(s) being amended

[1. Geothermal Steam Act of 1970](#)

Comparative Print: Changes in Existing Law

1. Geothermal Steam Act of 1970

[As Amended Through P.L. 116–260, Enacted December 27,
2020]

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SEC. 30. GEOTHERMAL EXPLORATION PROJECTS.

(a) DEFINITIONS.— In this section:

(1) GEOTHERMAL EXPLORATION PROJECT.— The term “*geothermal exploration project*” means the drilling of a temperature gradient well, monitoring well, calibration well, or another geothermal exploratory well, including construction or making improvements for such activities, on lands for which the Secretary has issued a geothermal lease—

(A) that is carried out by the holder of the lease;

(B) for which—

(i) the last cemented casing string has an outer diameter of less than 13 inches;
and

(ii) the total unreclaimed surface disturbance at any one time within the project area is less than 8 acres, not including the area of a permanent or temporary access road;

(C) that is completed in less than 180 days, including the removal of any surface infrastructure from the project area; and

(D) that requires the restoration of the project area within 3 years of the date of first exploration drilling to approximately the condition that existed at the time the project began, unless the project area is subsequently used as part of energy development under the lease.

(2) COVERED ACTIVITY.— The term “covered activity” includes, with respect to exploration, development, or production (including direct use) of geothermal resources—

(A) geotechnical investigations;

(B) off-road travel in a right-of-way established by Congress, granted by a Federal agency, or included in a land use plan; and

(C) construction, maintenance, realignment, and repair of an existing permanent or temporary access road within a right-of-way established by Congress, granted by a Federal agency, or included in a land use plan.

(b) NON-MAJOR FEDERAL ACTION.— Geothermal exploration projects and covered activities shall not be considered major Federal actions under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) REQUIREMENT TO PROVIDE NOTICE.— The holder of a geothermal lease shall provide to the Secretary notice of their intent to carry out a geothermal exploration project at least 30 days before the start of drilling under the project.

SEC. 31. GEOTHERMAL LEASING PRIORITY AREAS.

(a) DEFINITION OF COVERED LAND.— In this section, the term “covered land” means land that is

(1) Federal land; and

(2) not excluded from the development of geothermal energy under—

(A) a land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(B) any other Federal law.

(b) DESIGNATION OF GEOTHERMAL LEASING PRIORITY AREAS.— The Secretary, in consultation with the Secretary of Energy, shall designate portions of covered land as geothermal leasing priority areas as soon as practicable, but not later than 3 years, after the date of enactment of this section.

(c) CRITERIA FOR SELECTION.— In determining which covered lands to designate as geothermal leasing priority areas under subsection (b), the Secretary, in consultation with the Secretary of Energy, shall consider if—

(1) the covered land is preferable for geothermal leasing;

(2) production of geothermal energy on such land is economically viable, including if such land has access to methods of energy transmission; and

(3) the designation would be in compliance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), including subsection (c)(9) of such section.

(d) REVIEW AND MODIFICATION.— Not less frequently than once every 5 years, the Secretary shall

(1) review covered land and, if appropriate, make additional designations of geothermal leasing priority areas; and

(2) review each area designated as a geothermal leasing priority area under this section, and, if appropriate, remove such designation.

(e) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—

(1) INITIAL DESIGNATIONS.— Not later than one year after the initial designation of a geothermal leasing priority area, the Secretary shall prepare a supplement to any final programmatic environmental impact statement for geothermal leasing that is the most recently finalized such statement with respect to covered land designated as a geothermal leasing priority area under subsection (b).

(2) SUBSEQUENT DESIGNATIONS.— Each designation of a geothermal leasing priority area under subsection (b) shall be included in a programmatic environmental impact statement for geothermal leasing or in a supplement to such a statement.

(3) CONSULTATIONS.— In developing any programmatic environmental impact statement for geothermal leasing or supplement to such a statement under this section, the Secretary shall consult, on an ongoing basis, with appropriate State, Tribal, and local governments, transmission infrastructure owners and operators, developers, and other appropriate entities.

(4) PROCEDURE.— The Secretary may not delay issuing a permit or holding a lease sale under this Act because the supplement required under paragraph (1) has not been finalized by the Secretary.

(f) COMPLIANCE WITH NEPA.— If the designation of a geothermal leasing priority area has been analyzed by a programmatic environmental document—

(1) during the period of 10 years that begins on the date such programmatic environmental document is issued, the Secretary shall not prepare any additional analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to geothermal lease sales for such geothermal leasing priority area unless the Secretary determines there are substantial new circumstances or information about the significance of adverse effects that bear on the analysis; and

(2) after such period of 10 years, the Secretary shall not prepare any additional analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to geothermal lease sales for such geothermal leasing priority area if the Secretary reevaluates the analysis in the programmatic environmental document and any underlying assumption to ensure reliance on the analysis remains valid.

Summary

- (1) 2 amendments.
 - (2) 0 automated notifications.
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