

AMENDMENTS

2005—Pub. L. 109-58 inserted section catchline.

§ 1014. Lands subject to geothermal leasing

(a) Terms and conditions for lands withdrawn or acquired for Department of the Interior

Geothermal leases for lands withdrawn or acquired in aid of functions of the Department of the Interior may be issued only under such terms and conditions as the Secretary may prescribe to insure adequate utilization of the lands for the purposes for which they were withdrawn or acquired.

(b) Consent and terms and conditions for lands withdrawn or acquired for Department of Agriculture or for lands for power and related purposes

Geothermal leases for lands withdrawn or acquired in aid of functions of the Department of Agriculture may be issued only with the consent of, and subject to such terms and conditions as may be prescribed by, the head of that Department to insure adequate utilization of the lands for the purposes for which they were withdrawn or acquired. Geothermal leases for lands to which section 818 of title 16 is applicable, may be issued only with the consent of, and subject to, such terms and conditions as the Secretary of Energy may prescribe to insure adequate utilization of such lands for power and related purposes.

(c) Exemption of certain Federal lands

Geothermal leases under this chapter shall not be issued for lands administered in accordance with (1) sections 1, 2, 3, and 4 of title 16, as amended or supplemented, (2) for lands within a national recreation area, (3) for lands in a fish hatchery administered by the Secretary, wildlife refuge, wildlife range, game range, wildlife management area, waterfowl production area, or for lands acquired or reserved for the protection and conservation of fish and wildlife that are threatened with extinction, (4) for tribally or individually owned Indian trust or restricted lands, within or without the boundaries of Indian reservations.

(Pub. L. 91-581, §15, Dec. 24, 1970, 84 Stat. 1571; Pub. L. 95-91, title III, §301(b), title VII, §§703, 707, Aug. 4, 1977, 91 Stat. 578, 606, 607; Pub. L. 109-58, title II, §236(15), Aug. 8, 2005, 119 Stat. 672.)

AMENDMENTS

2005—Pub. L. 109-58 inserted section catchline.

TRANSFER OF FUNCTIONS

“Secretary of Energy” substituted for “Federal Power Commission” in subsec. (b) pursuant to sections 301(b), 703, and 707 of Pub. L. 95-91, which are classified to sections 7151(b), 7293, and 7297 of Title 42, The Public Health and Welfare, and which terminated Federal Power Commission and transferred its functions (with certain exceptions) to Secretary of Energy.

§ 1015. Requirement for lessees

Leases under this chapter may be issued only to citizens of the United States, associations of such citizens, corporations organized under the laws of the United States or of any State or the

District of Columbia, or governmental units, including, without limitation, municipalities.

(Pub. L. 91-581, §16, Dec. 24, 1970, 84 Stat. 1571; Pub. L. 109-58, title II, §236(16), Aug. 8, 2005, 119 Stat. 672.)

AMENDMENTS

2005—Pub. L. 109-58 inserted section catchline.

§ 1016. Administration

Administration of this chapter shall be under the principles of multiple use of lands and resources, and geothermal leases shall, insofar as feasible, allow for coexistence of other leases of the same lands for deposits of minerals under the laws applicable to them, for the location and production of claims under the mining laws, and for other uses of the areas covered by them. Operations under such other leases or for such other uses, however, shall not unreasonably interfere with or endanger operations under any lease issued pursuant to this chapter, nor shall operations under leases so issued unreasonably interfere with or endanger operations under any lease, license, claim, or permit issued pursuant to the provisions of any other Act.

(Pub. L. 91-581, §17, Dec. 24, 1970, 84 Stat. 1571; Pub. L. 109-58, title II, §236(17), Aug. 8, 2005, 119 Stat. 672.)

AMENDMENTS

2005—Pub. L. 109-58 inserted section catchline.

§ 1017. Unit and communitization agreements

(a) Adoption of units by lessees

(1) In general

For the purpose of more properly conserving the natural resources of any geothermal reservoir, field, or like area, or any part thereof (whether or not any part of the geothermal reservoir, field, or like area, is subject to any cooperative plan of development or operation (referred to in this section as a “unit agreement”)), lessees thereof and their representatives may unite with each other, or jointly or separately with others, in collectively adopting and operating under a unit agreement for the reservoir, field, or like area, or any part thereof, including direct use resources, if determined and certified by the Secretary to be necessary or advisable in the public interest.

(2) Majority interest of single leases

A majority interest of owners of any single lease shall have the authority to commit the lease to a unit agreement.

(3) Initiative of Secretary

The Secretary may also initiate the formation of a unit agreement, or require an existing Federal lease to commit to a unit agreement, if in the public interest.

(4) Modification of lease requirements by Secretary

(A) In general

The Secretary may, in the discretion of the Secretary and with the consent of the holders of leases involved, establish, alter, change, or revoke rates of operations (in-

cluding drilling, operations, production, and other requirements) of the leases and make conditions with respect to the leases, with the consent of the lessees, in connection with the creation and operation of any such unit agreement as the Secretary may consider necessary or advisable to secure the protection of the public interest.

(B) Unlike terms or rates

Leases with unlike lease terms or royalty rates shall not be required to be modified to be in the same unit.

(b) Requirement of plans under new leases

The Secretary may—

(1) provide that geothermal leases issued under this chapter shall contain a provision requiring the lessee to operate under a unit agreement; and

(2) prescribe the unit agreement under which the lessee shall operate, which shall adequately protect the rights of all parties in interest, including the United States.

(c) Modification of rate of prospecting, development, and production

The Secretary may require that any unit agreement authorized by this section that applies to land owned by the United States contain a provision under which authority is vested in the Secretary, or any person, committee, or State or Federal officer or agency as may be designated in the unit agreement to alter or modify, from time to time, the rate of prospecting and development and the quantity and rate of production under the unit agreement.

(d) Exclusion from determination of holding or control

Any land that is subject to a unit agreement approved or prescribed by the Secretary under this section shall not be considered in determining holdings or control under section 1006 of this title.

(e) Pooling of certain land

If separate tracts of land cannot be independently developed and operated to use geothermal resources pursuant to any section of this chapter—

(1) the land, or a portion of the land, may be pooled with other land, whether or not owned by the United States, for purposes of development and operation under a communitization agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the production unit, if the pooling is determined by the Secretary to be in the public interest; and

(2) operation or production pursuant to the communitization agreement shall be treated as operation or production with respect to each tract of land that is subject to the communitization agreement.

(f) Unit agreement review

(1) In general

Not later than 5 years after the date of approval of any unit agreement and at least every 5 years thereafter, the Secretary shall—

(A) review each unit agreement; and

(B) after notice and opportunity for comment, eliminate from inclusion in the unit

agreement any land that the Secretary determines is not reasonably necessary for unit operations under the unit agreement.

(2) Basis for elimination

The elimination shall—

(A) be based on scientific evidence; and

(B) occur only if the elimination is determined by the Secretary to be for the purpose of conserving and properly managing the geothermal resource.

(3) Extension

Any land eliminated under this subsection shall be eligible for an extension under section 1005(g) of this title if the land meets the requirements for the extension.

(g) Drilling or development contracts

(1) In general

The Secretary may, on such conditions as the Secretary may prescribe, approve drilling or development contracts made by one or more lessees of geothermal leases, with one or more persons, associations, or corporations if, in the discretion of the Secretary, the conservation of natural resources or the public convenience or necessity may require or the interests of the United States may be best served by the approval.

(2) Holdings or control

Each lease operated under an approved drilling or development contract, and interest under the contract, shall be excepted in determining holdings or control under section 1006 of this title.

(h) Coordination with State governments

The Secretary shall coordinate unitization and pooling activities with appropriate State agencies.

(Pub. L. 91-581, §18, Dec. 24, 1970, 84 Stat. 1571; Pub. L. 100-443, §4, Sept. 22, 1988, 102 Stat. 1768; Pub. L. 109-58, title II, §227, Aug. 8, 2005, 119 Stat. 666.)

AMENDMENTS

2005—Pub. L. 109-58 inserted section catchline and amended text generally. Prior to amendment, text related to cooperative or unit plan of development or operation of geothermal pool, field, or like area, public interest, determination and certification, regulations, protection of parties in interest, authority respecting rate of prospecting, development, and production, five year review, and leases excepted from control for purposes of State acreage limitation.

1988—Pub. L. 100-443, §4, inserted provisions relating to five year review of plans and elimination of leases from plans.

§ 1018. Data from Federal agencies

Upon request of the Secretary, other Federal departments and agencies shall furnish him with any relevant data then in their possession or knowledge concerning or having bearing upon fair and adequate charges to be made for geothermal steam produced or to be produced for conversion to electric power or other purposes. Data given to any department or agency as confidential under law shall not be furnished in any fashion which identifies or tends to identify the business entity whose activities are the subject