

Sec.	
1002.	Lands subject to geothermal leasing.
1002a.	Repealed.
1003.	Leasing procedures.
1004.	Rents and royalties.
1005.	Lease term and work commitment requirements.
1006.	Acreage limitations.
1007.	Readjustment of lease terms and conditions.
1008.	Byproducts.
1009.	Relinquishment of geothermal rights.
1010.	Suspension of operations and production.
1011.	Termination of leases.
1012.	Waiver, suspension, or reduction of rental or royalty.
1013.	Surface land use.
1014.	Lands subject to geothermal leasing.
1015.	Requirement for lessees.
1016.	Administration.
1017.	Unit and communitization agreements.
1018.	Data from Federal agencies.
1019.	Disposal of moneys from sales, bonuses, rentals, and royalties.
1020.	Publication in Federal Register; reservation of mineral rights.
1021.	Federal exemption from State water laws.
1022.	Prevention of waste; exclusivity.
1023.	Rules and regulations.
1024.	Inclusion of geothermal leasing under certain other laws.
1025.	Federal reservation of certain mineral rights.
1026.	Significant thermal features.
1027.	Land subject to prohibition on leasing.
1028.	Hot dry rock geothermal energy.

### § 1001. Definitions

As used in this chapter, the term—

(a) “Secretary” means the Secretary of the Interior;

(b) “geothermal lease” means a lease issued under authority of this chapter;

(c) “geothermal resources” means (i) all products of geothermal processes, embracing indigenous steam, hot water and hot brines; (ii) steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations; (iii) heat or other associated energy found in geothermal formations; and (iv) any byproduct derived from them;

(d) “byproduct” means any mineral or minerals (exclusive of oil, hydrocarbon gas, and helium) which are found in solution or in association with geothermal steam and which have a value of less than 75 per centum of the value of the geothermal steam or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves;

(e) “known geothermal resources area” means an area in which the geology, nearby discoveries, competitive interests, or other indicia would, in the opinion of the Secretary, engender a belief in men who are experienced in the subject matter that the prospects for extraction of geothermal steam or associated geothermal resources are good enough to warrant expenditures of money for that purpose.

(f) “Significant<sup>1</sup> thermal features within units of the National Park System” shall include, but not be limited to, the following:

(1) Thermal features within units of the National Park System listed in Section<sup>1</sup>

1026(a)(1) of this title and designated as significant in the Federal Register notice of August 3, 1987 (Vol. 52, No. 148 Fed. Reg. 28790).

(2) Crater Lake National Park.

(3) Thermal features within Big Bend National Park and Lake Mead National Recreation Area proposed as significant in the Federal Register notice of February 13, 1987 (Vol. 52, No. 30 Fed. Reg. 4700).

(4) Thermal features within units of the National Park System added to the significant thermal features list pursuant to section 1026(a)(2) of this title.

(g) “direct use” means utilization of geothermal resources for commercial, residential, agricultural, public facilities, or other energy needs other than the commercial production of electricity; and<sup>2</sup>

(Pub. L. 91-581, §2, Dec. 24, 1970, 84 Stat. 1566; Pub. L. 100-443, §2(a), Sept. 22, 1988, 102 Stat. 1766; Pub. L. 109-58, title II, §236(1), (2), (5), Aug. 8, 2005, 119 Stat. 671.)

#### AMENDMENTS

2005—Pub. L. 109-58, §236(5), inserted section catchline.

Par. (c). Pub. L. 109-58, §236(1), substituted “geothermal resources” for “geothermal steam and associated geothermal resources”.

Par. (g). Pub. L. 109-58, §236(2), added par. (g).

1988—Par. (f). Pub. L. 100-443 added par. (f).

#### SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109-58, title II, §221, Aug. 8, 2005, 119 Stat. 660, provided that: “This subtitle [subtitle B (§§221-237) of title II of Pub. L. 109-58, enacting part B (§15871 et seq.) of subchapter II of chapter 149 of Title 42, The Public Health and Welfare, amending this section and sections 530 and 1002 to 1027 of this title, enacting provisions set out as notes under section 1004 of this title, and amending provisions set out as a note under this section] may be cited as the ‘John Rishel Geothermal Steam Act Amendments of 2005.’”

#### SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-443, §1, Sept. 22, 1988, 102 Stat. 1766, provided that: “This Act [enacting sections 1026 and 1027 of this title, amending this section and sections 191, 226-3, 1005, 1017, and 1019 of this title, and enacting provisions set out as notes under sections 1005 and 1026 of this title] may be known as the ‘Geothermal Steam Act Amendments of 1988.’”

#### SHORT TITLE

Pub. L. 91-581, §1, Dec. 24, 1970, 84 Stat. 1566, as amended by Pub. L. 109-58, title II, §236(4), Aug. 8, 2005, 119 Stat. 671, provided that: “This Act [enacting this chapter and amending section 530 of this title] may be cited as the ‘Geothermal Steam Act of 1970.’”

### § 1002. Lands subject to geothermal leasing

Subject to the provisions of section 1014 of this title, the Secretary of the Interior may issue leases for the development and utilization of geothermal resources (1) in lands administered by him, including public, withdrawn, and acquired lands, (2) in any national forest or other lands administered by the Department of Agriculture through the Forest Service, including

<sup>2</sup>So in original. Probably should end with a period instead of “; and”.

<sup>1</sup>So in original. Probably should not be capitalized.

public, withdrawn, and acquired lands, and (3) in lands which have been conveyed by the United States subject to a reservation to the United States of the geothermal resources therein.

(Pub. L. 91-581, §3, Dec. 24, 1970, 84 Stat. 1566; Pub. L. 109-58, title II, §236(1), (6), Aug. 8, 2005, 119 Stat. 671, 672.)

#### AMENDMENTS

2005—Pub. L. 109-58 inserted section catchline and substituted “geothermal resources” for “geothermal steam and associated geothermal resources” in two places in text.

#### § 1002a. Repealed. Pub. L. 97-214, § 7(16), July 12, 1982, 96 Stat. 174

Section, Pub. L. 95-356, title VIII, §803(a), (b), Sept. 8, 1978, 92 Stat. 585; Pub. L. 96-125, title VIII, §802(2), Nov. 26, 1979, 93 Stat. 948; Pub. L. 97-99, title IX, §908, Dec. 23, 1981, 95 Stat. 1385, related to development of geothermal energy sources on military lands, contracts for provision and operation of production facilities and energy purchases, and terms, conditions and prerequisites of such contracts. See sections 2917 and 2922a of Title 10, Armed Forces.

Pub. L. 95-356, title VIII, §803(c), Sept. 8, 1978, 92 Stat. 585, which provided that this section take effect Oct. 1, 1978, was repealed by Pub. L. 97-214, §7(16), July 12, 1982, 96 Stat. 174.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing before, on, or after such date, see section 12(a) of Pub. L. 97-214, set out as an Effective Date note under section 2801 of Title 10, Armed Forces.

#### § 1003. Leasing procedures

##### (a) Nominations

The Secretary shall accept nominations of land to be leased at any time from qualified companies and individuals under this chapter.

##### (b) Competitive lease sale required

###### (1) In general

Except as otherwise specifically provided by this chapter, all land to be leased that is not subject to leasing under subsection (c) of this section shall be leased as provided in this subsection to the highest responsible qualified bidder, as determined by the Secretary.

###### (2) Competitive lease sales

The Secretary shall hold a competitive lease sale at least once every 2 years for land in a State that has nominations pending under subsection (a) of this section if the land is otherwise available for leasing.

###### (3) Lands subject to mining claims

Lands that are subject to a mining claim for which a plan of operations has been approved by the relevant Federal land management agency may be available for noncompetitive leasing under this section to the mining claim holder.

##### (c) Noncompetitive leasing

The Secretary shall make available for a period of 2 years for noncompetitive leasing any tract for which a competitive lease sale is held, but for which the Secretary does not receive any bids in a competitive lease sale.

##### (d) Pending lease applications

###### (1) In general

It shall be a priority for the Secretary, and for the Secretary of Agriculture with respect to National Forest Systems land, to ensure timely completion of administrative actions, including amendments to applicable forest plans and resource management plans, necessary to process applications for geothermal leasing pending on August 8, 2005.<sup>1</sup> All future forest plans and resource management plans for areas with high geothermal resource potential shall consider geothermal leasing and development.

###### (2) Administration

An application described in paragraph (1) and any lease issued pursuant to the application—

(A) except as provided in subparagraph (B), shall be subject to this section as in effect on the day before August 8, 2005; or

(B) at the election of the applicant, shall be subject to this section as in effect on August 8, 2005.

##### (e) Leases sold as a block

If information is available to the Secretary indicating a geothermal resource that could be produced as 1 unit can reasonably be expected to underlie more than 1 parcel to be offered in a competitive lease sale, the parcels for such a resource may be offered for bidding as a block in the competitive lease sale.

##### (f) Leasing for direct use of geothermal resources

Notwithstanding subsection (b) of this section, the Secretary may identify areas in which the land to be leased under this chapter exclusively for direct use of geothermal resources, without sale for purposes other than commercial generation of electricity, may be leased to any qualified applicant that first applies for such a lease under regulations issued by the Secretary, if the Secretary—

(1) publishes a notice of the land proposed for leasing not later than 90 days before the date of the issuance of the lease;

(2) does not receive during the 90-day period beginning on the date of the publication any nomination to include the land concerned in the next competitive lease sale; and

(3) determines there is no competitive interest in the geothermal resources in the land to be leased.

##### (g) Area subject to lease for direct use

###### (1) In general

Subject to paragraph (2), a geothermal lease for the direct use of geothermal resources shall cover not more than the quantity of acreage determined by the Secretary to be reasonably necessary for the proposed use.

###### (2) Limitations

The quantity of acreage covered by the lease shall not exceed the limitations established under section 1006 of this title.

(Pub. L. 91-581, §4, Dec. 24, 1970, 84 Stat. 1566; Pub. L. 109-58, title II, §§222, 223(b), Aug. 8, 2005, 119 Stat. 660, 662.)

<sup>1</sup> See Codification note below.