

which the minerals have been reserved to the United States shall not be developed or produced except under geothermal leases made pursuant to this chapter. If the Secretary of the Interior finds that such development is imminent, or that production from a well heretofore drilled on such lands is imminent, he shall so report to the Attorney General, and the Attorney General is authorized and directed to institute an appropriate proceeding in the United States district court of the district in which such lands are located, to quiet the title of the United States in such resources, and if the court determines that the reservation of minerals to the United States in the lands involved included the geothermal resources, to enjoin their production otherwise than under the terms of this chapter: *Provided*, That upon an authoritative judicial determination that Federal mineral reservation does not include geothermal resources the duties of the Secretary of the Interior to report and of the Attorney General to institute proceedings, as hereinbefore set forth, shall cease.

(Pub. L. 91-581, §21, Dec. 24, 1970, 84 Stat. 1572; Pub. L. 109-58, title II, §236(1), (3), (19), Aug. 8, 2005, 119 Stat. 671, 673.)

AMENDMENTS

2005—Pub. L. 109-58 inserted section catchline, struck out “(b)” before “Geothermal”, substituted “does not include geothermal resources” for “does not include geothermal steam and associated geothermal resources”, and struck out subsec. (a) which read as follows: “Within one hundred and twenty days after December 24, 1970, the Secretary shall cause to be published in the Federal Register a determination of all lands which were included within any known geothermal resources area on December 24, 1970. He shall likewise publish in the Federal Register from time to time his determination of other known geothermal resources areas specifying in each case the date the lands were included in such area; and”.

§ 1021. Federal exemption from State water laws

Nothing in this chapter shall constitute an express or implied claim or denial on the part of the Federal Government as to its exemption from State water laws.

(Pub. L. 91-581, §22, Dec. 24, 1970, 84 Stat. 1573; Pub. L. 109-58, title II, §236(20), Aug. 8, 2005, 119 Stat. 673.)

AMENDMENTS

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

§ 1022. Prevention of waste; exclusivity

(a) All leases under this chapter shall be subject to the condition that the lessee will, in conducting his exploration, development, and producing operations, use all reasonable precautions to prevent waste of geothermal resources developed in the lands leased.

(b) Rights to develop and utilize geothermal resources underlying lands owned by the United States may be acquired solely in accordance with the provisions of this chapter.

(Pub. L. 91-581, §23, Dec. 24, 1970, 84 Stat. 1573; Pub. L. 109-58, title II, §236(1), (21), Aug. 8, 2005, 119 Stat. 671, 673.)

AMENDMENTS

2005—Pub. L. 109-58 inserted section catchline and substituted “geothermal resources” for “geothermal

steam and associated geothermal resources” in subsecs. (a) and (b).

§ 1023. Rules and regulations

The Secretary shall prescribe such rules and regulations as he may deem appropriate to carry out the provisions of this chapter. Such regulations may include, without limitation, provisions for (a) the prevention of waste, (b) development and conservation of geothermal and other natural resources, (c) the protection of the public interest, (d) assignment, segregation, extension of terms, relinquishment of leases, development contracts, unitization, pooling, and drilling agreements, (e) compensatory royalty agreements, suspension of operations or production, and suspension or reduction of rentals or royalties, (f) the filing of surety bonds to assure compliance with the terms of the lease and to protect surface use and resources, (g) use of the surface by a lessee of the lands embraced in his lease, (h) the maintenance by the lessee of an active development program, and (i) protection of water quality and other environmental qualities.

(Pub. L. 91-581, §24, Dec. 24, 1970, 84 Stat. 1573; Pub. L. 109-58, title II, §236(22), Aug. 8, 2005, 119 Stat. 673.)

AMENDMENTS

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

TRANSFER OF FUNCTIONS

Functions of Secretary of the Interior to promulgate regulations under this chapter relating to fostering of competition for Federal leases, implementation of alternative bidding systems authorized for award of Federal leases, establishment of diligence requirements for operations conducted on Federal leases, setting of rates for production of Federal leases, and specifying of procedures, terms, and conditions for acquisition and disposition of Federal royalty interests taken in kind, transferred to Secretary of Energy by section 7152(b) of Title 42, The Public Health and Welfare. Section 7152(b) of Title 42 was repealed by Pub. L. 97-100, title II, §201, Dec. 23, 1981, 95 Stat. 1407, and functions of Secretary of Energy returned to Secretary of the Interior. See House Report No. 97-315, pp. 25, 26, Nov. 5, 1981.

§ 1024. Inclusion of geothermal leasing under certain other laws

As to any land subject to geothermal leasing under section 1002 of this title, all laws which either (a) provide for the disposal of land by patent or other form of conveyance or by grant or by operation of law subject to a reservation of any mineral or (b) prevent or restrict the disposal of such land because of the mineral character of the land, shall hereafter be deemed to embrace geothermal resources as a substance which either must be reserved or must prevent or restrict the disposal of such land, as the case may be. This section shall not be construed to affect grants, patents, or other forms of conveyances made prior to December 24, 1970.

(Pub. L. 91-581, §25, Dec. 24, 1970, 84 Stat. 1573; Pub. L. 109-58, title II, §236(1), (23), Aug. 8, 2005, 119 Stat. 671, 673.)

AMENDMENTS

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

§ 1025. Federal reservation of certain mineral rights

The United States reserves the ownership of and the right to extract under such rules and regulations as the Secretary may prescribe oil, hydrocarbon gas, and helium from all geothermal resources produced from lands leased under this chapter in accordance with presently applicable laws: *Provided*, That whenever the right to extract oil, hydrocarbon gas, and helium from geothermal resources produced from such lands is exercised pursuant to this section, it shall be exercised so as to cause no substantial interference with the production of geothermal resources from such lands.

(Pub. L. 91-581, §27, Dec. 24, 1970, 84 Stat. 1574; Pub. L. 109-58, title II, §236(1), (25), Aug. 8, 2005, 119 Stat. 671, 673.)

AMENDMENTS

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

§ 1026. Significant thermal features

(a) Units of National Park System

(1) The Secretary shall maintain a list of significant thermal features, as defined in section 1001(f) of this title, within units of the National Park System, including but not limited to the following units:

- (A) Mount Rainier National Park.
- (B) Crater Lake National Park.
- (C) Yellowstone National Park.
- (D) John D. Rockefeller, Jr. Memorial Parkway.
- (E) Bering Land Bridge National Preserve.
- (F) Gates of the Arctic National Park and Preserve.
- (G) Katmai National Park.
- (H) Aniakchak National Monument and Preserve.
- (I) Wrangell-St. Elias National Park and Preserve.
- (J) Lake Clark National Park and Preserve.
- (K) Hot Springs National Park.
- (L) Big Bend National Park (including that portion of the Rio Grande National Wild Scenic River within the boundaries of Big Bend National Park).
- (M) Lassen Volcanic National Park.
- (N) Hawai'i Volcanoes National Park.
- (O) Haleakalā National Park.
- (P) Lake Mead National Recreation Area.

(2) The Secretary may, after notice and public comment, add significant thermal features within units of the National Park System to the significant thermal features list.

(3) The Secretary shall consider the following criteria in determining the significance of thermal features:

- (A) Size, extent and uniqueness.
- (B) Scientific and geologic significance.
- (C) The extent to which such features remain in a natural, undisturbed condition.
- (D) Significance of thermal features to the authorized purposes for which the National Park System unit was established.

(b) Monitoring program

(1) The Secretary shall maintain a monitoring program for significant thermal features within units of the National Park System.

(2) As part of the monitoring program required by paragraph (1), the Secretary shall establish a research program to collect and assess data on the geothermal resources within units of the National Park System with significant thermal features. Such program shall be carried out by the National Park Service in cooperation with the U.S. Geological Survey and shall begin with the collection and assessment of data for significant thermal features near current or proposed geothermal development and shall also include such features near areas of potential geothermal development.

(c) Lease application; adverse effect

(1) Upon receipt of an application for a lease under this chapter, the Secretary shall determine on the basis of scientific evidence if exploration, development or utilization of the lands subject to the lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within a unit of the National Park System. Such determination shall be subject to notice and public comment.

(2) If the Secretary determines that the exploration, development or utilization of the land subject to the lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature within a unit of the National Park System, the Secretary shall not issue such lease.

(3) The Secretary shall not issue any lease under this chapter for those lands, or portions thereof, which are the subject of a determination made pursuant to subparagraph (2).

(d) Lease stipulations

With respect to all leases or drilling permits issued, extended, renewed or modified under this chapter, the Secretary shall include stipulations in such leases and permits necessary to protect significant thermal features within units of the National Park System where the Secretary determines that, based on scientific evidence, the exploration, development or utilization of the land subject to the lease or drilling permit is reasonably likely to adversely affect any such significant thermal feature. Stipulations shall include, but not be limited to—

(1) requiring the lessee to reinject geothermal fluids into the rock formations from which they originate;

(2) requiring the lessee to report annually to the Secretary on activities taken on the lease;

(3) requiring the lessee to continuously monitor geothermal resources production and injection wells; and

(4) requiring the lessee to suspend activity on the lease if the Secretary determines that ongoing exploration, development or utilization activities are having a significant adverse effect on a significant thermal feature within a unit of the National Park System until such time as the significant adverse effect is eliminated. The stipulation shall provide for the termination of the lease by the Secretary if the significant adverse effect cannot be eliminated within a reasonable period of time.