

114TH CONGRESS
1ST SESSION

S. 562

To promote exploration for geothermal resources, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2015

Mr. HELLER (for himself and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To promote exploration for geothermal resources, 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 “Geothermal Explo-
5 ration Opportunities Act of 2015”.

6 **SEC. 2. GEOTHERMAL EXPLORATION TEST PROJECTS.**

7 The Geothermal Steam Act of 1970 (30 U.S.C. 1001
8 et seq.) is amended by adding at the end the following:

9 **“SEC. 30. GEOTHERMAL EXPLORATION TEST PROJECTS.**

10 “(a) DEFINITIONS.—In this section:

1 “(1) COVERED LAND.—The term ‘covered land’
2 means land that is—

3 “(A)(i) public land administered by the
4 Secretary; or

5 “(ii) National Forest System land adminis-
6 tered by the Secretary of Agriculture; and

7 “(B) not excluded from the development of
8 geothermal energy under—

9 “(i) a final land use plan established
10 under the Federal Land Policy and Man-
11 agement Act of 1976 (43 U.S.C. 1701 et
12 seq.);

13 “(ii) a final land and resource man-
14 agement plan established under the Na-
15 tional Forest Management Act of 1976 (16
16 U.S.C. 1600 et seq.); or

17 “(iii) any other applicable law.

18 “(2) SECRETARY CONCERNED.—The term ‘Sec-
19 retary concerned’ means—

20 “(A) the Secretary of Agriculture (acting
21 through the Chief of the Forest Service), with
22 respect to National Forest System land; and

23 “(B) the Secretary, with respect to land
24 managed by the Bureau of Land Management

1 (including land held for the benefit of an Indian
2 tribe).

3 “(b) NEPA REVIEW OF GEOTHERMAL EXPLORATION
4 TEST PROJECTS.—

5 “(1) IN GENERAL.—An eligible activity de-
6 scribed in paragraph (2) carried out on covered land
7 shall be considered an action categorically excluded
8 from the requirements for an environmental assess-
9 ment or an environmental impact statement under
10 the National Environmental Policy Act of 1969 (42
11 U.S.C. 4321 et seq.) or section 1508.4 of title 40,
12 Code of Federal Regulations (or a successor regula-
13 tion) if—

14 “(A) the action is for the purpose of geo-
15 thermal resource exploration operations; and

16 “(B) the action is conducted pursuant to
17 this Act.

18 “(2) ELIGIBLE ACTIVITY.—An eligible activity
19 referred to in paragraph (1) is—

20 “(A) a geophysical exploration activity that
21 does not require drilling, including a seismic
22 survey;

23 “(B) the drilling of a well to test or ex-
24 plore for geothermal resources on land leased

1 by the Secretary concerned for the development
2 and production of geothermal resources that—

3 “(i) is carried out by the holder of the
4 lease;

5 “(ii) causes—

6 “(I) fewer than 5 acres of soil or
7 vegetation disruption at the location
8 of each geothermal exploration well;
9 and

10 “(II) not more than an additional
11 5 acres of soil or vegetation disruption
12 during access or egress to the project
13 site;

14 “(iii) is completed in fewer than 90
15 days, including the removal of any surface
16 infrastructure from the project site; and

17 “(iv) requires the restoration of the
18 project site not later than 3 years after the
19 date of completion of the project to ap-
20 proximately the condition that existed at
21 the time the project began, unless—

22 “(I) the project site is subse-
23 quently used as part of energy devel-
24 opment on the lease; or

25 “(II) the project—

1 “(aa) yields geothermal re-
2 sources; and

3 “(bb) the use of the geo-
4 thermal resources will be carried
5 out under another geothermal
6 generation project in existence at
7 the time of the discovery of the
8 geothermal resources; or

9 “(C) the drilling of a well to test or explore
10 for geothermal resources on land leased by the
11 Secretary concerned for the development and
12 production of geothermal resources that—

13 “(i) causes an individual surface dis-
14 turbance of fewer than 5 acres if—

15 “(I) the total surface disturbance
16 on the leased land is not more than
17 150 acres; and

18 “(II) a site-specific analysis has
19 been prepared under the National En-
20 vironmental Policy Act of 1969 (42
21 U.S.C. 4321 et seq.);

22 “(ii) involves the drilling of a geo-
23 thermal well at a location or well pad site
24 at which drilling has occurred within 5

1 years before the date of spudding the well;
 2 or

3 “(iii) involves the drilling of a geo-
 4 thermal well in a developed field for
 5 which—

6 “(I) an approved land use plan
 7 or any environmental document pre-
 8 pared under the National Environ-
 9 mental Policy Act of 1969 (42 U.S.C.
 10 4321 et seq.) analyzed the drilling as
 11 a reasonably foreseeable activity; and

12 “(II) the land use plan or envi-
 13 ronmental document was approved
 14 within 10 years before the date of
 15 spudding the well.

16 “(3) LIMITATION BASED ON EXTRAORDINARY
 17 CIRCUMSTANCES.—The categorical exclusion estab-
 18 lished under paragraph (1) shall be subject to ex-
 19 traordinary circumstances in accordance with the
 20 Departmental Manual, 516 DM 2.3A(3) and 516
 21 DM 2, Appendix 2 (or successor provisions).

22 “(c) NOTICE OF INTENT; REVIEW AND DETERMINA-
 23 TION.—

24 “(1) REQUIREMENT TO PROVIDE NOTICE.—Not
 25 later than 30 days before the date on which drilling

1 begins, a leaseholder intending to carry out an eligi-
2 ble activity shall provide notice to the Secretary con-
3 cerned.

4 “(2) REVIEW OF PROJECT.—Not later than 10
5 days after receipt of a notice of intent provided
6 under paragraph (1), the Secretary concerned
7 shall—

8 “(A) review the project described in the
9 notice and determine whether the project is an
10 eligible activity; and

11 “(B)(i) if the project is an eligible activity,
12 notify the leaseholder that under subsection (b),
13 the project is considered a categorical exclusion
14 under the National Environmental Policy Act of
15 1969 (42 U.S.C. 4321 et seq.) and section
16 1508.4 of title 40, Code of Federal Regulations
17 (or a successor regulation); or

18 “(ii) if the project is not an eligible activ-
19 ity—

20 “(I) notify the leaseholder that section
21 102(2)(C) of the National Environmental
22 Policy Act of 1969 (42 U.S.C. 4332(2)(C))
23 applies to the project;

24 “(II) include in that notification clear
25 and detailed findings on any deficiencies in

1 the project that prevent the application of
2 subsection (b) to the project; and

3 “(III) provide an opportunity to the
4 leaseholder to remedy the deficiencies de-
5 scribed in the notification before the date
6 on which the leaseholder plans to begin the
7 project under paragraph (1).”.

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