AMENDMENT TO RULES COMMITTEE PRINT 116-54

OFFERED BY MR. FULCHER OF IDAHO

Page 2086, after line 10, insert the following:

SEC. 84412. GEOTHERMAL PRODUCTION ON FEDERAL LANDS.

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

“SEC. 30. GEOTHERMAL EXPLORATION TEST PROJECTS.

“(a) Definition of Geothermal Exploration Test Project.—In this section, the term ‘geothermal exploration test project’ means the drilling of a well to test or explore for geothermal resources on lands for which the Secretary has issued a lease under this Act, that—

“(1) is carried out by the holder of the lease;

“(2) causes—

“(A) less than 5 acres of soil or vegetation disruption at the location of each geothermal exploration well; and

“(B) not more than an additional 5 acres of soil or vegetation disruption during access or egress to the test site;

“(3) is developed—
“(A) less than 9 inches in diameter;

“(B) in a manner that does not require off-road motorized access other than to and from the well site along an identified off-road route;

“(C) without construction of new roads other than upgrading of existing drainage crossings for safety purposes;

“(D) with the use of rubber-tired digging or drilling equipment vehicles; and

“(E) without the use of high-pressure well stimulation;

“(4) is completed in less than 90 days, including the removal of any surface infrastructure from the site; and

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

“(b) CATEGORICAL EXCLUSION.—

“(1) IN GENERAL.—Unless extraordinary circumstances exist, a project that the Secretary determines under subsection (e) is a geothermal explo-
ration test project shall be categorically excluded from the requirements for an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation).

“(2) EXTRAORDINARY CIRCUMSTANCES DEFINITION.—In this subsection, the term ‘extraordinary circumstances’ has the same meaning given such term in the Department of the Interior Departmental Manual, 516 DM 2.3A(3) and 516 DM 2, Appendix 2 (or successor provisions).

“(c) PROCESS.—

“(1) REQUIREMENT TO PROVIDE NOTICE.—A leaseholder shall provide notice to the Secretary of the leaseholder’s intent to carry out a geothermal exploration test project at least 30 days before the start of drilling under the project.

“(2) REVIEW AND DETERMINATION.—Not later than 10 days after receipt of a notice of intent under paragraph (1), the Secretary shall, with respect to the project described in the notice of intent—
“(A) determine if the project qualifies for a categorical exclusion under subsection (b); and
“(B) notify the leaseholder of such determination.
“(3) OPPORTUNITY TO REMEDY.—If the Secretary determines under paragraph (2)(A) that the project does not qualify for a categorical exclusion under subsection (b), the Secretary shall—
“(A) include in such notice clear and detailed findings on any deficiencies in the project that resulted in such determination; and
“(B) allow the leaseholder to remedy any such deficiencies and resubmit the notice of intent under paragraph (1).”.

Page 2086, line 11, strike “84412” and insert “84413”.

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