

# Union Calendar No. 167

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2171

[Report No. 112-251]

To promote timely exploration for geothermal resources under existing geothermal leases, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2011

Mr. LABRADOR (for himself, Mr. HASTINGS of Washington, Mr. LAMBORN, Mr. BROUN of Georgia, Mr. DUNCAN of Tennessee, and Mr. WITTMAN) introduced the following bill; which was referred to the Committee on Natural Resources

OCTOBER 14, 2011

Additional sponsors: Mr. MCCLINTOCK, Mr. LANDRY, Mr. DUNCAN of South Carolina, Mr. SOUTHERLAND, Mr. COFFMAN of Colorado, and Mr. FLORES

OCTOBER 14, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 14, 2011]

# **A BILL**

To promote timely exploration for geothermal resources under existing geothermal leases, 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 “Exploring for Geo-*  
5 *thermal Energy on Federal Lands Act”.*

6 **SEC. 2. GEOTHERMAL EXPLORATION NOTICE AND EXCLU-**  
7 **SION.**

8        *(a) DEFINITION OF GEOTHERMAL EXPLORATION TEST*  
9 *PROJECT.—In this section the term “geothermal explo-*  
10 *ration test project” means the drilling of a well to test or*  
11 *explore for geothermal resources on lands leased by the De-*  
12 *partment of the Interior for the development and production*  
13 *of geothermal resources, that—*

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

15            *(2) causes—*

16                    *(A) less than 5 acres of soil or vegetation*  
17 *disruption at the location of each geothermal ex-*  
18 *ploration well; and*

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

22            *(3) is developed—*

23                    *(A) no deeper than 2,500 feet;*

24                    *(B) less than 8 inches in diameter;*

1           (C) in a manner that does not require off-  
2 road motorized access other than to and from the  
3 well site along an identified off-road route for  
4 which notice is provided to the Secretary of the  
5 Interior under subsection (c);

6           (D) without construction of new roads other  
7 than upgrading of existing drainage crossings  
8 for safety purposes; and

9           (E) with the use of rubber-tired digging or  
10 drilling equipment vehicles;

11           (4) is completed in less than 45 days, including  
12 the removal of any surface infrastructure from the  
13 site; and

14           (5) requires the restoration of the project site  
15 within 3 years to approximately the condition that  
16 existed at the time the project began, unless the site  
17 is subsequently used as part of energy development on  
18 the lease.

19           (b) *NEPA EXCLUSION.*—Section 102(2)(C) of the Na-  
20 tional Environmental Policy Act of 1969 (42 U.S.C.  
21 4332(2)(C)) shall not apply with respect to a project that  
22 the Secretary of the Interior determines under subsection  
23 (c) is a geothermal exploration test project.

24           (c) *NOTICE OF INTENT; REVIEW AND DETERMINA-*  
25 *TION.*—

1           (1) *REQUIREMENT TO PROVIDE NOTICE.*—A  
2           leaseholder intending to carry out a geothermal explo-  
3           ration test project shall provide notice to the Sec-  
4           retary of the Interior not later than 30 days prior to  
5           the start of drilling under the project.

6           (2) *REVIEW OF PROJECT.*—The Secretary shall  
7           by not later than 10 days after receipt of a notice of  
8           intent under paragraph (1) from a leaseholder—

9                   (A) review the project described in the no-  
10                  tice and determine whether it is a geothermal ex-  
11                  ploration test project under subsection (a); and

12                  (B) notify the leaseholder—

13                          (i) that under subsection (b) of this sec-  
14                          tion, section 102(2)(C) of the National En-  
15                          vironmental Policy Act of 1969 (42 U.S.C.  
16                          4332(2)(C)) does not apply to the project; or

17                          (ii) that section 102(2)(C) of the Na-  
18                          tional Environmental Policy Act of 1969  
19                          (42 U.S.C. 4332(2)(C)) applies to the  
20                          project, including clear and detailed find-  
21                          ings on any deficiencies in the project that  
22                          preclude the application of subsection (b) of  
23                          this section to the project.

24           (3) *OPPORTUNITY TO REMEDY.*—If the Secretary  
25           provides notice under paragraph (2)(B)(ii) that sec-

1        *tion 102(2)(C) of the National Environmental Policy*  
2        *Act of 1969 (42 U.S.C. 4332(2)(C)) applies to the*  
3        *project, the Secretary shall provide the leaseholder an*  
4        *opportunity to remedy the deficiencies described in*  
5        *the notice prior to the date the leaseholder intended*  
6        *to start of drilling under the project.*



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