

113TH CONGRESS
1ST SESSION

S. 363

To expand geothermal production, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2013

Mr. WYDEN (for himself, Ms. MURKOWSKI, Mr. BEGICH, Mr. CRAPO, Mr. RISCH, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To expand geothermal production, 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 Production
5 Expansion Act of 2013”.

6 **SEC. 2. NONCOMPETITIVE LEASING OF ADJOINING AREAS**

7 **FOR DEVELOPMENT OF GEOTHERMAL RE-**

8 **SOURCES.**

9 Section 4(b) of the Geothermal Steam Act of 1970
10 (30 U.S.C. 1003(b)) is amended by adding at the end the
11 following:

1 “(4) ADJOINING LAND.—

2 “(A) DEFINITIONS.—In this paragraph:

3 “(i) FAIR MARKET VALUE PER
4 ACRE.—The term ‘fair market value per
5 acre’ means a dollar amount per acre
6 that—

7 “(I) except as provided in this
8 clause, shall be equal to the market
9 value per acre (taking into account
10 the determination under subparagraph
11 (B)(iii) regarding a valid discovery on
12 the adjoining land) as determined by
13 the Secretary under regulations issued
14 under this paragraph;

15 “(II) shall be determined by the
16 Secretary with respect to a lease
17 under this paragraph, by not later
18 than the end of the 180-day period
19 beginning on the date the Secretary
20 receives an application for the lease;
21 and

22 “(III) shall be not less than the
23 greater of—

24 “(aa) 4 times the median
25 amount paid per acre for all land

1 leased under this Act during the
2 preceding year; or

3 “(bb) \$50.

4 “(ii) INDUSTRY STANDARDS.—The
5 term ‘industry standards’ means the stand-
6 ards by which a qualified geothermal pro-
7 fessional assesses whether downhole or
8 flowing temperature measurements with
9 indications of permeability are sufficient to
10 produce energy from geothermal resources,
11 as determined through flow or injection
12 testing or measurement of lost circulation
13 while drilling.

14 “(iii) QUALIFIED FEDERAL LAND.—
15 The term ‘qualified Federal land’ means
16 land that is otherwise available for leasing
17 under this Act.

18 “(iv) QUALIFIED GEOTHERMAL PRO-
19 FESSIONAL.—The term ‘qualified geo-
20 thermal professional’ means an individual
21 who is an engineer or geoscientist in good
22 professional standing with at least 5 years
23 of experience in geothermal exploration,
24 development, or project assessment.

1 “(v) QUALIFIED LESSEE.—The term
2 ‘qualified lessee’ means a person that may
3 hold a geothermal lease under this Act (in-
4 cluding applicable regulations).

5 “(vi) VALID DISCOVERY.—The term
6 ‘valid discovery’ means a discovery of a
7 geothermal resource by a new or existing
8 slim hole or production well, that exhibits
9 downhole or flowing temperature measure-
10 ments with indications of permeability that
11 are sufficient to meet industry standards.

12 “(B) AUTHORITY.—An area of qualified
13 Federal land that adjoins other land for which
14 a qualified lessee holds a legal right to develop
15 geothermal resources may be available for a
16 noncompetitive lease under this section to the
17 qualified lessee at the fair market value per
18 acre, if—

19 “(i) the area of qualified Federal
20 land—

21 “(I) consists of not less than 1
22 acre and not more than 640 acres;
23 and

1 “(II) is not already leased under
2 this Act or nominated to be leased
3 under subsection (a);

4 “(ii) the qualified lessee has not pre-
5 viously received a noncompetitive lease
6 under this paragraph in connection with
7 the valid discovery for which data has been
8 submitted under clause (iii)(I); and

9 “(iii) sufficient geological and other
10 technical data prepared by a qualified geo-
11 thermal professional has been submitted by
12 the qualified lessee to the applicable Fed-
13 eral land management agency that would
14 lead individuals who are experienced in the
15 subject matter to believe that—

16 “(I) there is a valid discovery of
17 geothermal resources on the land for
18 which the qualified lessee holds the
19 legal right to develop geothermal re-
20 sources; and

21 “(II) that thermal feature ex-
22 tends into the adjoining areas.

23 “(C) DETERMINATION OF FAIR MARKET
24 VALUE.—

1 “(i) IN GENERAL.—The Secretary
2 shall—

3 “(I) publish a notice of any re-
4 quest to lease land under this para-
5 graph;

6 “(II) determine fair market value
7 for purposes of this paragraph in ac-
8 cordance with procedures for making
9 those determinations that are estab-
10 lished by regulations issued by the
11 Secretary;

12 “(III) provide to a qualified les-
13 see and publish, with an opportunity
14 for public comment for a period of 30
15 days, any proposed determination
16 under this subparagraph of the fair
17 market value of an area that the
18 qualified lessee seeks to lease under
19 this paragraph; and

20 “(IV) provide to the qualified les-
21 see and any adversely affected party
22 the opportunity to appeal the final de-
23 termination of fair market value in an
24 administrative proceeding before the
25 applicable Federal land management

1 agency, in accordance with applicable
2 law (including regulations).

3 “(ii) LIMITATION ON NOMINATION.—
4 After publication of a notice of request to
5 lease land under this paragraph, the Sec-
6 retary may not accept under subsection (a)
7 any nomination of the land for leasing un-
8 less the request has been denied or with-
9 drawn.

10 “(iii) ANNUAL RENTAL.—For pur-
11 poses of section 5(a)(3), a lease awarded
12 under this paragraph shall be considered a
13 lease awarded in a competitive lease sale.

14 “(D) REGULATIONS.—Not later than 270
15 days after the date of enactment of the Geo-
16 thermal Production Expansion Act of 2013, the
17 Secretary shall issue regulations to carry out
18 this paragraph.”.

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