

113TH CONGRESS  
1ST SESSION

# H. R. 1363

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

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IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2013

Mr. LABRADOR introduced the following bill; which was referred to the Committee on Natural Resources

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## 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**  
9 **TEST PROJECT.**—In this section the term “geothermal ex-  
10 ploration test project” means the drilling of a well to test

1 or explore for geothermal resources on lands leased by the  
2 Department of the Interior for the development and pro-  
3 duction of geothermal resources, that—

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

5 (2) causes—

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

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

12 (3) is developed—

13 (A) no deeper than 2,500 feet;

14 (B) less than 8 inches in diameter;

15 (C) in a manner that does not require off-  
16 road motorized access other than to and from  
17 the well site along an identified off-road route  
18 for which notice is provided to the Secretary of  
19 the Interior under subsection (c);

20 (D) without construction of new roads  
21 other than upgrading of existing drainage cross-  
22 ings for safety purposes; and

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

1           (4) is completed in less than 45 days, including  
2           the removal of any surface infrastructure from the  
3           site; and

4           (5) requires the restoration of the project site  
5           within 3 years to approximately the condition that  
6           existed at the time the project began, unless the site  
7           is subsequently used as part of energy development  
8           on the lease.

9           (b) NEPA EXCLUSION.—Section 102(2)(C) of the  
10          National Environmental Policy Act of 1969 (42 U.S.C.  
11          4332(2)(C)) shall not apply with respect to a project that  
12          the Secretary of the Interior determines under subsection  
13          (c) is a geothermal exploration test project.

14          (c) NOTICE OF INTENT; REVIEW AND DETERMINA-  
15          TION.—

16               (1) REQUIREMENT TO PROVIDE NOTICE.—A  
17          leaseholder intending to carry out a geothermal ex-  
18          ploration test project shall provide notice to the Sec-  
19          retary of the Interior not later than 30 days prior  
20          to the start of drilling under the project.

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

24                       (A) review the project described in the no-  
25          tice and determine whether it is a geothermal

1 exploration test project under subsection (a);  
2 and

3 (B) notify the leaseholder—

4 (i) that under subsection (b) of this  
5 section, section 102(2)(C) of the National  
6 Environmental Policy Act of 1969 (42  
7 U.S.C. 4332(2)(C)) does not apply to the  
8 project; or

9 (ii) that section 102(2)(C) of the Na-  
10 tional Environmental Policy Act of 1969  
11 (42 U.S.C. 4332(2)(C)) applies to the  
12 project, including clear and detailed find-  
13 ings on any deficiencies in the project that  
14 preclude the application of subsection (b)  
15 of this section to the project.

16 (3) OPPORTUNITY TO REMEDY.—If the Sec-  
17 retary provides notice under paragraph (2)(B)(ii)  
18 that section 102(2)(C) of the National Environ-  
19 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C))  
20 applies to the project, the Secretary shall provide the  
21 leaseholder an opportunity to remedy the deficiencies  
22 described in the notice prior to the date the lease-  
23 holder intended to start drilling under the project.

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