

116TH CONGRESS
1ST SESSION

H. R. 3794

To promote the development of renewable energy on public lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2019

Mr. GOSAR (for himself, Mr. LEVIN of California, Mr. LAMALFA, Mr. LOWENTHAL, Mr. HUFFMAN, Mr. TIPTON, Mr. AMODEI, Mr. BEYER, Mr. BIGGS, Mr. BISHOP of Utah, Mr. CARTWRIGHT, Ms. DELBENE, Mrs. DINGELL, Mr. GAETZ, Ms. HAALAND, Mr. LUJÁN, Mr. NEWHOUSE, Mr. SCHWEIKERT, Mr. SIMPSON, Mr. STAUBER, Mr. STEWART, Mr. YOUNG, Mr. COOK, Mr. MARSHALL, and Mr. GIANFORTE) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote the development of renewable energy on public lands, 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 “Public Land Renew-
5 able Energy Development Act of 2019”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Land use planning; supplements to programmatic environmental impact statements.
- Sec. 5. Environmental review on covered land.
- Sec. 6. Program to improve renewable energy project permit coordination.
- Sec. 7. Increasing economic certainty.
- Sec. 8. Limited grandfathering.
- Sec. 9. Renewable energy goal.
- Sec. 10. Disposition of revenues.
- Sec. 11. Promoting and enhancing development of geothermal energy.
- Sec. 12. Facilitation of coproduction of geothermal energy on oil and gas leases.
- Sec. 13. Noncompetitive leasing of adjoining areas for development of geothermal resources.
- Sec. 14. Savings clause.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) COVERED LAND.—The term “covered land”
6 means land that is—

7 (A) public lands administered by the Sec-
8 retary; and

9 (B) not excluded from the development of
10 geothermal, solar, or wind energy under—

11 (i) a land use plan established under
12 the Federal Land Policy and Management
13 Act of 1976 (43 U.S.C. 1701 et seq.); or

14 (ii) other Federal law.

15 (2) EXCLUSION AREA.—The term “exclusion
16 area” means covered land that is identified by the
17 Bureau of Land Management as not suitable for de-
18 velopment of renewable energy projects.

1 (3) FEDERAL LAND.—The term “Federal land”
2 means—

3 (A) land of the National Forest System (as
4 defined in section 11(a) of the Forest and
5 Rangeland Renewable Resources Planning Act
6 of 1974 (16 U.S.C. 1609(a)); or

7 (B) public lands.

8 (4) FUND.—The term “Fund” means the Re-
9 newable Energy Resource Conservation Fund estab-
10 lished by section 10(c)(1).

11 (5) PRIORITY AREA; DESIGNATED LEASING
12 AREAS.—The terms “priority area” and “Designated
13 Leasing Areas” mean covered land identified by the
14 land use planning process of the Bureau of Land
15 Management as being a preferred location for a re-
16 newable energy project for solar, wind, or geo-
17 thermal energy.

18 (6) PUBLIC LANDS.—The term “public lands”
19 has the meaning given that term in section 103 of
20 the Federal Land Policy and Management Act of
21 1976 (43 U.S.C. 1702).

22 (7) RENEWABLE ENERGY PROJECT.—The term
23 “renewable energy project” means a project carried
24 out on covered land that uses wind, solar, or geo-
25 thermal energy to generate energy.

1 (8) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (9) VARIANCE AREA.—The term “variance
4 area” means covered land that is—

5 (A) not an exclusion area;

6 (B) not a priority area; and

7 (C) identified by the Secretary as poten-
8 tially available for renewable energy develop-
9 ment and could be approved without a plan
10 amendment, consistent with the principles of
11 multiple use (as that term is defined in the
12 Federal Land Policy and Management Act of
13 1976 (43 U.S.C. 1701 et seq.)).

14 **SEC. 4. LAND USE PLANNING; SUPPLEMENTS TO PRO-**
15 **GRAMMATIC ENVIRONMENTAL IMPACT**
16 **STATEMENTS.**

17 (a) PRIORITY AREAS.—

18 (1) IN GENERAL.—The Secretary, in consulta-
19 tion with the Secretary of Energy, shall establish
20 priority areas on covered land for geothermal, solar,
21 and wind energy projects.

22 (2) DEADLINE.—

23 (A) GEOTHERMAL ENERGY.—For geo-
24 thermal energy, the Secretary shall establish
25 priority areas as soon as practicable, but not

1 later than 5 years, after the date of the enact-
2 ment of this Act.

3 (B) SOLAR ENERGY.—For solar energy,
4 solar Designated Leasing Areas, including the
5 solar energy zones established by the 2012
6 western solar plan of the Bureau of Land Man-
7 agement and any subsequent land use plan
8 amendments, shall be considered to be priority
9 areas for solar energy projects. The Secretary
10 shall establish additional solar priority areas as
11 soon as practicable, but not later than 3 years,
12 after the date of the enactment of this Act.

13 (C) WIND ENERGY.—For wind energy, the
14 Secretary shall establish additional wind pri-
15 ority areas as soon as practicable, but not later
16 than 3 years, after the date of the enactment
17 of this Act.

18 (b) VARIANCE AREAS.—To the maximum extent
19 practicable, variance areas shall be considered for renew-
20 able energy project development, consistent with the prin-
21 ciples of multiple use (as defined in the Federal Land Pol-
22 icy and Management Act of 1976 (43 U.S.C. 1701 et
23 seq.)).

24 (c) REVIEW AND MODIFICATION.—Not less than once
25 every 5 years, the Secretary shall—

1 (1) review the adequacy of land allocations for
2 geothermal, solar, and wind energy priority and vari-
3 ance areas for the purpose of encouraging new re-
4 newable energy development opportunities; and

5 (2) based on the review carried out under para-
6 graph (1), add, modify, or eliminate priority, vari-
7 ance, and exclusion areas.

8 (d) COMPLIANCE WITH THE NATIONAL ENVIRON-
9 MENTAL POLICY ACT.—For purposes of this section, com-
10 pliance with the National Environmental Policy Act of
11 1969 (42 U.S.C. 4321 et seq.) shall be accomplished—

12 (1) for geothermal energy, by supplementing
13 the October 2008 final programmatic environmental
14 impact statement for geothermal leasing in the
15 Western United States and incorporating any addi-
16 tional regional analyses that have been completed by
17 Federal agencies since the programmatic environ-
18 mental impact statement was finalized;

19 (2) for solar energy, by supplementing the July
20 2012 final programmatic environmental impact
21 statement for solar energy development and incor-
22 porating any additional regional analyses that have
23 been completed by Federal agencies since the pro-
24 grammatic environmental impact statement was fi-
25 nalized; and

1 (3) for wind energy, by supplementing the July
2 2005 final programmatic environmental impact
3 statement for wind energy development and incor-
4 porating any additional regional analyses that have
5 been completed by Federal agencies since the pro-
6 grammatic environmental impact statement was fi-
7 nalized.

8 (e) NO EFFECT ON PROCESSING APPLICATIONS.—
9 Any requirements to prepare a supplement to a pro-
10 grammatic environmental impact statement under this
11 section shall not result in any delay in processing a pend-
12 ing application for a renewable energy project.

13 (f) COORDINATION.—In developing a supplement re-
14 quired by this section, the Secretary shall coordinate, on
15 an ongoing basis, with appropriate State, Tribal, and local
16 governments, transmission infrastructure owners and op-
17 erators, developers, and other appropriate entities to en-
18 sure that priority areas identified by the Secretary are—

19 (1) economically viable (including having access
20 to existing and/or planned transmission capacity);

21 (2) likely to avoid or minimize conflict with
22 habitat for animals and plants, recreation, cultural
23 resources, and other uses of covered land; and

24 (3) consistent with section 202 of the Federal
25 Land Policy and Management Act of 1976 (43

1 U.S.C. 1712), including subsection (c)(9) of that
2 section (43 U.S.C. 1712(c)(9)).

3 **SEC. 5. ENVIRONMENTAL REVIEW ON COVERED LAND.**

4 (a) IN GENERAL.—If the Secretary determines that
5 a proposed renewable energy project has been sufficiently
6 analyzed by a programmatic environmental impact state-
7 ment conducted under section 4(d), the Secretary shall not
8 require any additional review under the National Environ-
9 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

10 (b) ADDITIONAL ENVIRONMENTAL REVIEW.—If the
11 Secretary determines that additional environmental review
12 under the National Environmental Policy Act of 1969 (42
13 U.S.C. 4321 et seq.) is necessary for a proposed renewable
14 energy project, the Secretary shall rely on the analysis in
15 the programmatic environmental impact statement con-
16 ducted under section 4(d), to the maximum extent prac-
17 ticable when analyzing the potential impacts of the
18 project.

19 (c) RELATIONSHIP TO OTHER LAW.—Nothing in this
20 section modifies or supersedes any requirement under ap-
21 plicable law.

22 **SEC. 6. PROGRAM TO IMPROVE RENEWABLE ENERGY**
23 **PROJECT PERMIT COORDINATION.**

24 (a) ESTABLISHMENT.—The Secretary shall establish
25 a national Renewable Energy Coordination Office and

1 State, district, or field offices with responsibility to estab-
2 lish and implement a program to improve Federal permit
3 coordination with respect to renewable energy projects on
4 covered land and other activities deemed necessary by the
5 Secretary. In carrying out the program, the Secretary may
6 temporarily assign qualified staff to Renewable Energy
7 Coordination Offices to expedite the permitting of renew-
8 able energy projects.

9 (b) MEMORANDUM OF UNDERSTANDING.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, the Sec-
12 retary shall enter into a memorandum of under-
13 standing for purposes of this section, including to
14 specifically expedite the environmental analysis of
15 applications for projects proposed in a variance area
16 or a priority area, with the Secretary of Defense and
17 the Secretary of Agriculture.

18 (2) STATE PARTICIPATION.—The Secretary
19 may request the Governor of any interested State to
20 be a signatory to the memorandum of understanding
21 under paragraph (1).

22 (c) DESIGNATION OF QUALIFIED STAFF.—

23 (1) IN GENERAL.—Not later than 30 days after
24 the date on which the memorandum of under-
25 standing under subsection (b) is executed, all Fed-

1 eral signatories, as appropriate, shall identify for
2 each of the Bureau of Land Management Renewable
3 Energy Coordination Offices one or more employees
4 who have expertise in the regulatory issues relating
5 to the office in which the employee is employed, in-
6 cluding, as applicable, particular expertise in—

7 (A) consultation regarding, and prepara-
8 tion of, biological opinions under section 7 of
9 the Endangered Species Act of 1973 (16 U.S.C.
10 1536);

11 (B) permits under section 404 of the Fed-
12 eral Water Pollution Control Act (33 U.S.C.
13 1344);

14 (C) regulatory matters under the Clean Air
15 Act (42 U.S.C. 7401 et seq.);

16 (D) the Federal Land Policy and Manage-
17 ment Act of 1976 (43 U.S.C. 1701 et seq.);

18 (E) the Migratory Bird Treaty Act (16
19 U.S.C. 703 et seq.);

20 (F) the preparation of analyses under the
21 National Environmental Policy Act of 1969 (42
22 U.S.C. 4321 et seq.);

23 (G) implementation of the requirements of
24 section 306108 of title 54, United States Code

1 (formerly known as section 106 of the National
2 Historic Preservation Act);

3 (H) planning under section 14 of the Na-
4 tional Forest Management Act of 1976 (16
5 U.S.C. 472a); and

6 (I) the Bald and Golden Eagle Protection
7 Act (16 U.S.C. 668–668d).

8 (2) DUTIES.—Each employee assigned under
9 paragraph (1) shall—

10 (A) be responsible for addressing all issues
11 relating to the jurisdiction of the home office or
12 agency of the employee; and

13 (B) participate as part of the team of per-
14 sonnel working on proposed energy projects,
15 planning, monitoring, inspection, enforcement,
16 and environmental analyses.

17 (d) ADDITIONAL PERSONNEL.—The Secretary may
18 assign such additional personnel for the Bureau of Land
19 Management Renewable Energy Coordination Offices as
20 are necessary to ensure the effective implementation of
21 any programs administered by the offices in accordance
22 with the multiple use mandate of the Federal Land Policy
23 and Management Act of 1976 (43 U.S.C. 1701 et seq.).

24 (e) CLARIFICATION OF EXISTING AUTHORITY.—
25 Under section 307 of the Federal Land Policy and Man-

1 agement Act of 1976 (43 U.S.C. 1737), the Bureau of
2 Land Management may—

3 (1) accept donations for the purposes of public
4 lands management; and

5 (2) accept donations from renewable energy
6 companies working on public lands to help cover the
7 costs of environmental reviews.

8 (f) REPORT TO CONGRESS.—

9 (1) IN GENERAL.—Not later than February 1
10 of the first fiscal year beginning after the date of the
11 enactment of this Act, and each February 1 there-
12 after, the Secretary shall submit to the Committee
13 on Energy and Natural Resources of the Senate and
14 the Committee on Natural Resources of the House
15 of Representatives a report describing the progress
16 made under the program established under sub-
17 section (a) during the preceding year.

18 (2) INCLUSIONS.—Each report under this sub-
19 section shall include—

20 (A) projections for renewable energy pro-
21 duction and capacity installations; and

22 (B) a description of any problems relating
23 to leasing, permitting, siting, or production.

1 **SEC. 7. INCREASING ECONOMIC CERTAINTY.**

2 (a) CONSIDERATIONS.—The Secretary is authorized
3 to and shall consider acreage rental rates, capacity fees,
4 and other recurring annual fees in total when evaluating
5 existing rates paid for the use of Federal land by renew-
6 able energy projects.

7 (b) INCREASES IN BASE RENTAL RATES.—Once a
8 base rental rate is established upon the issuance of a
9 right-of-way authorization, increases in the base rent shall
10 be limited to the Implicit Price Deflator–Gross Domestic
11 Product (IPD–GDP) index for the entire term of the
12 right-of-way authorization.

13 (c) REDUCTIONS IN BASE RENTAL RATES.—The
14 Secretary is authorized to reduce acreage rental rates and
15 capacity fees, or both, for existing and new wind and solar
16 authorizations if the Secretary determines—

17 (1) that the existing rates—

18 (A) exceed fair market value;

19 (B) impose economic hardships;

20 (C) limit commercial interest in a competi-
21 tive lease sale or right-of-way grant; or

22 (D) are not competitively priced compared
23 to other available land; or

24 (2) that a reduced rental rate or capacity fee is
25 necessary to promote the greatest use of wind and
26 solar energy resources, especially those resources in-

1 side priority areas. Rental rates and capacity fees
2 for projects that are within the boundaries of a Des-
3 ignated Leasing Area but not formally recognized as
4 being in such an area shall be equivalent to rents
5 and fees for new leases inside of a Designated Leas-
6 ing Area.

7 **SEC. 8. LIMITED GRANDFATHERING.**

8 (a) DEFINITION OF PROJECT.—In this section, the
9 term “project” means a system described in section
10 2801.9(a)(4) of title 43, Code of Federal Regulations (as
11 in effect on the date of enactment of this Act).

12 (b) REQUIREMENT TO PAY RENTS AND FEES.—The
13 owner of a project that applied for a right-of-way under
14 section 501 of the Federal Land Policy and Management
15 Act of 1976 (43 U.S.C. 1761) on or before December 19,
16 2016, shall be obligated to pay with respect to the right-
17 of-way all rents and fees in effect before the effective date
18 of the rule of the Bureau of Land Management entitled
19 “Competitive Processes, Terms, and Conditions for Leas-
20 ing Public Lands for Solar and Wind Energy Development
21 and Technical Changes and Corrections” (81 Fed. Reg.
22 92122 (December 19, 2016)).

23 **SEC. 9. RENEWABLE ENERGY GOAL.**

24 The Secretary and the Secretary of Agriculture shall
25 seek to issue permits that, in total, authorize production

1 of not less than 25 gigawatts of electricity from wind,
2 solar, and geothermal energy projects by not later than
3 2025, through management of public lands and adminis-
4 tration of Federal laws.

5 **SEC. 10. DISPOSITION OF REVENUES.**

6 (a) DISPOSITION OF REVENUES.—Beginning on Jan-
7 uary 1, 2020, of the amounts collected as bonus bids, rent-
8 als, fees, or other payments under a right-of-way, permit,
9 lease, or other authorization (other than under section
10 504(g) of the Federal Land Policy and Management Act
11 of 1976 (43 U.S.C. 1764(g))) for the development of wind
12 or solar energy on covered land, the following shall be
13 made available without further appropriation or fiscal year
14 limitation as follows:

15 (1) Twenty-five percent shall be paid by the
16 Secretary of the Treasury to the State within the
17 boundaries of which the revenue is derived.

18 (2) Twenty-five percent shall be paid by the
19 Secretary of the Treasury to the one or more coun-
20 ties within the boundaries of which the revenue is
21 derived, to be allocated among the counties based on
22 the percentage of land from which the revenue is de-
23 rived.

24 (3) Fifteen percent shall be deposited in the
25 Treasury and be made available to the Secretary to

1 carry out the program established under this Act, in-
2 cluding the transfer of the funds by the Bureau of
3 Land Management to other Federal agencies and
4 State agencies to facilitate the processing of renew-
5 able energy permits on Federal land, with priority
6 given to using the amounts, to the maximum extent
7 practicable without detrimental impacts to emerging
8 markets, to expediting the issuance of permits re-
9 quired for the development of renewable energy
10 projects in the States from which the revenues are
11 derived.

12 (4) Twenty-five percent shall be deposited in
13 the Renewable Energy Resource Conservation Fund
14 established by subsection (c).

15 (5) The remainder shall be deposited into the
16 general fund of the Treasury for purposes of reduc-
17 ing the annual Federal budget deficit.

18 (b) PAYMENTS TO STATES AND COUNTIES.—

19 (1) IN GENERAL.—Amounts paid to States and
20 counties under subsection (a) shall be used con-
21 sistent with section 35 of the Mineral Leasing Act
22 (30 U.S.C. 191).

23 (2) PAYMENTS IN LIEU OF TAXES.—A payment
24 to a county under paragraph (1) shall be in addition

1 to a payment in lieu of taxes received by the county
2 under chapter 69 of title 31, United States Code.

3 (c) RENEWABLE ENERGY RESOURCE CONSERVATION
4 FUND.—

5 (1) IN GENERAL.—There is established in the
6 Treasury a fund to be known as the Renewable En-
7 ergy Resource Conservation Fund, which shall be
8 administered by the Secretary, in consultation with
9 the Secretary of Agriculture.

10 (2) USE OF FUNDS.—The Secretary may make
11 amounts in the Fund available to Federal, State,
12 and Tribal agencies to be distributed in regions in
13 which renewable energy projects are located on Fed-
14 eral land, for the purposes of—

15 (A) restoring and protecting—

16 (i) fish and wildlife habitat for af-
17 fected species;

18 (ii) fish and wildlife corridors for af-
19 fected species; and

20 (iii) water resources in areas affected
21 by wind, geothermal, or solar energy devel-
22 opment; and

23 (B) preserving and improving recreational
24 access to Federal land and water in an affected
25 region through an easement, right-of-way, or

1 other instrument from willing landowners for
2 the purpose of enhancing public access to exist-
3 ing Federal land and water that is inaccessible
4 or restricted.

5 (3) RESTRICTION ON USE OF FUNDS.—No
6 funds made available under this subsection may be
7 used for the purchase of real property unless in ful-
8 fillment of paragraph (2)(B).

9 (4) PARTNERSHIPS.—The Secretary may enter
10 into cooperative agreements with State and Tribal
11 agencies, nonprofit organizations, and other appro-
12 priate entities to carry out the activities described in
13 subparagraphs (A) and (B) of paragraph (2).

14 (5) INVESTMENT OF FUND.—

15 (A) IN GENERAL.—Any amounts deposited
16 in the Fund shall earn interest in an amount
17 determined by the Secretary of the Treasury on
18 the basis of the current average market yield on
19 outstanding marketable obligations of the
20 United States of comparable maturities.

21 (B) USE.—Any interest earned under sub-
22 paragraph (A) may be expended in accordance
23 with this subsection.

24 (6) REPORT TO CONGRESS.—At the end of each
25 fiscal year, the Secretary shall report to the Com-

1 committee on Natural Resources of the House of Rep-
2 resentatives and the Committee on Energy and Nat-
3 ural Resources of the Senate—

4 (A) the amount collected as described in
5 subsection (a), by source, during that fiscal
6 year;

7 (B) the amount and purpose of payments
8 during that fiscal year to each Federal, State,
9 and Tribal agency under paragraph (2); and

10 (C) the amount remaining in the Fund at
11 the end of the fiscal year.

12 (7) INTENT OF CONGRESS.—It is the intent of
13 Congress that the revenues deposited and used in
14 the Fund shall supplement (and not supplant) an-
15 nual appropriations for activities described in sub-
16 paragraphs (A) and (B) of paragraph (2).

17 **SEC. 11. PROMOTING AND ENHANCING DEVELOPMENT OF**
18 **GEOHERMAL ENERGY.**

19 (a) IN GENERAL.—Section 234(a) of the Energy Pol-
20 icy Act of 2005 (42 U.S.C. 15873(a)) is amended by strik-
21 ing “in the first 5 fiscal years beginning after the date
22 of the enactment of this Act” and inserting “through fis-
23 cal year 2022”.

24 (b) AUTHORIZATION.—Section 234(b) of the Energy
25 Policy Act of 2005 (42 U.S.C. 15873(b)) is amended—

1 (1) by striking “Amounts” and inserting the
2 following:

3 “(1) IN GENERAL.—Amounts”; and

4 (2) by adding at the end the following:

5 “(2) AUTHORIZATION.—Effective for fiscal year
6 2019 and each fiscal year thereafter, amounts de-
7 posited under subsection (a) shall be available to the
8 Secretary of the Interior for expenditure, without
9 further appropriation or fiscal year limitation, to im-
10 plement the Geothermal Steam Act of 1970 (30
11 U.S.C. 1001 et seq.) and this Act.”.

12 **SEC. 12. FACILITATION OF COPRODUCTION OF GEO-**
13 **THERMAL ENERGY ON OIL AND GAS LEASES.**

14 Section 4(b) of the Geothermal Steam Act of 1970
15 (30 U.S.C. 1003(b)) is amended by adding at the end the
16 following:

17 “(4) LAND SUBJECT TO OIL AND GAS LEASE.—

18 Land under an oil and gas lease issued pursuant to
19 the Mineral Leasing Act (30 U.S.C. 181 et seq.) or
20 the Mineral Leasing Act for Acquired Lands (30
21 U.S.C. 351 et seq.) that is subject to an approved
22 application for permit to drill and from which oil
23 and gas production is occurring may be available for
24 noncompetitive leasing under subsection (c) by the
25 holder of the oil and gas lease—

1 “(A) on a determination that geothermal
2 energy will be produced from a well producing
3 or capable of producing oil and gas; and

4 “(B) in order to provide for the coproduc-
5 tion of geothermal energy with oil and gas.”.

6 **SEC. 13. 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 further amended by adding at the
11 end the following:

12 “(5) ADJOINING LAND.—

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

14 “(i) FAIR MARKET VALUE PER
15 ACRE.—The term ‘fair market value per
16 acre’ means a dollar amount per acre
17 that—

18 “(I) except as provided in this
19 clause, shall be equal to the market
20 value per acre (taking into account
21 the determination under subparagraph
22 (B)(iii) regarding a valid discovery on
23 the adjoining land) as determined by
24 the Secretary under regulations issued
25 under this paragraph;

1 “(II) shall be determined by the
2 Secretary with respect to a lease
3 under this paragraph, by not later
4 than the end of the 180-day period
5 beginning on the date the Secretary
6 receives an application for the lease;
7 and

8 “(III) shall be not less than the
9 greater of—

10 “(aa) 4 times the median
11 amount paid per acre for all land
12 leased under this Act during the
13 preceding year; or

14 “(bb) \$50.

15 “(ii) INDUSTRY STANDARDS.—The
16 term ‘industry standards’ means the stand-
17 ards by which a qualified geothermal pro-
18 fessional assesses whether downhole or
19 flowing temperature measurements with
20 indications of permeability are sufficient to
21 produce energy from geothermal resources,
22 as determined through flow or injection
23 testing or measurement of lost circulation
24 while drilling.

1 “(iii) QUALIFIED FEDERAL LAND.—

2 The term ‘qualified Federal land’ means
3 land that is otherwise available for leasing
4 under this Act.

5 “(iv) QUALIFIED GEOTHERMAL PRO-

6 FESSIONAL.—The term ‘qualified geo-
7 thermal professional’ means an individual
8 who is an engineer or geoscientist in good
9 professional standing with at least 5 years
10 of experience in geothermal exploration,
11 development, or project assessment.

12 “(v) QUALIFIED LESSEE.—The term

13 ‘qualified lessee’ means a person who may
14 hold a geothermal lease under this Act (in-
15 cluding applicable regulations).

16 “(vi) VALID DISCOVERY.—The term

17 ‘valid discovery’ means a discovery of a
18 geothermal resource by a new or existing
19 slim hole or production well, that exhibits
20 downhole or flowing temperature measure-
21 ments with indications of permeability that
22 are sufficient to meet industry standards.

23 “(B) AUTHORITY.—An area of qualified

24 Federal land that adjoins other land for which
25 a qualified lessee holds a legal right to develop

1 geothermal resources may be available for a
2 noncompetitive lease under this section to the
3 qualified lessee at the fair market value per
4 acre, if—

5 “(i) the area of qualified Federal
6 land—

7 “(I) consists of not less than 1
8 acre and not more than 640 acres;
9 and

10 “(II) is not already leased under
11 this Act or nominated to be leased
12 under subsection (a);

13 “(ii) the qualified lessee has not pre-
14 viously received a noncompetitive lease
15 under this paragraph in connection with
16 the valid discovery for which data has been
17 submitted under clause (iii)(I); and

18 “(iii) sufficient geological and other
19 technical data prepared by a qualified geo-
20 thermal professional has been submitted by
21 the qualified lessee to the applicable Fed-
22 eral land management agency that would
23 lead individuals who are experienced in the
24 subject matter to believe that—

1 “(I) there is a valid discovery of
2 geothermal resources on the land for
3 which the qualified lessee holds the
4 legal right to develop geothermal re-
5 sources; and

6 “(II) that geothermal feature ex-
7 tends into the adjoining areas.

8 “(C) DETERMINATION OF FAIR MARKET
9 VALUE.—

10 “(i) IN GENERAL.—The Secretary
11 shall—

12 “(I) publish a notice of any re-
13 quest to lease land under this para-
14 graph;

15 “(II) determine fair market value
16 for purposes of this paragraph in ac-
17 cordance with procedures for making
18 those determinations that are estab-
19 lished by regulations issued by the
20 Secretary;

21 “(III) provide to a qualified les-
22 see and publish, with an opportunity
23 for public comment for a period of 30
24 days, any proposed determination
25 under this subparagraph of the fair

1 market value of an area that the
2 qualified lessee seeks to lease under
3 this paragraph; and

4 “(IV) provide to the qualified les-
5 see and any adversely affected party
6 the opportunity to appeal the final de-
7 termination of fair market value in an
8 administrative proceeding before the
9 applicable Federal land management
10 agency, in accordance with applicable
11 law (including regulations).

12 “(ii) LIMITATION ON NOMINATION.—
13 After publication of a notice of request to
14 lease land under this paragraph, the Sec-
15 retary may not accept under subsection (a)
16 any nomination of the land for leasing un-
17 less the request has been denied or with-
18 drawn.

19 “(iii) ANNUAL RENTAL.—For pur-
20 poses of section 5(a)(3), a lease awarded
21 under this paragraph shall be considered a
22 lease awarded in a competitive lease sale.

23 “(D) REGULATIONS.—Not later than 270
24 days after the date of the enactment of this

1 paragraph, the Secretary shall issue regulations
2 to carry out this paragraph.”.

3 **SEC. 14. SAVINGS CLAUSE.**

4 Notwithstanding any other provision of this Act, the
5 Secretary shall continue to manage public lands under the
6 principles of multiple use and sustained yield in accord-
7 ance with title I of the Federal Land Policy and Manage-
8 ment Act of 1976 (43 U.S.C. 1701 et seq.), including due
9 consideration of mineral and nonrenewable energy-related
10 projects and other nonrenewable energy uses, for the pur-
11 poses of land use planning, permit processing, and con-
12 ducting environmental reviews.

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