

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5576
OFFERED BY MR. FULCHER OF IDAHO**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Enhancing Geothermal
3 Production on Federal Lands Act”.

4 SEC. 2. GEOTHERMAL PRODUCTION ON FEDERAL LANDS.

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

7 “SEC. 30. GEOTHERMAL EXPLORATION PROJECTS.

8 “(a) DEFINITIONS.—In this section:

9 “(1) GEOTHERMAL EXPLORATION PROJECT.—

10 The term ‘geothermal exploration project’ means the
11 drilling of a temperature gradient well, monitoring
12 well, calibration well, or another geothermal explor-
13 atory well, including construction or making im-
14 provements for such activities, on lands for which
15 the Secretary has issued a geothermal lease—

16 “(A) that is carried out by the holder of
17 the lease;

18 “(B) for which—

1 “(i) the last cemented casing string
2 has an outer diameter of less than $13\frac{3}{8}$
3 inches; and

4 “(ii) the total unreclaimed surface dis-
5 turbance at any one time within the
6 project area is less than 8 acres, not in-
7 cluding the area of a permanent or tem-
8 porary access road;

9 “(C) that is completed in less than 180
10 days, including the removal of any surface in-
11 frastructure from the project area; and

12 “(D) that requires the restoration of the
13 project area within 3 years of the date of first
14 exploration drilling to approximately the condi-
15 tion that existed at the time the project began,
16 unless the project area is subsequently used as
17 part of energy development under the lease.

18 “(2) COVERED ACTIVITY.—The term ‘covered
19 activity’ includes, with respect to exploration, devel-
20 opment, or production (including direct use) of geo-
21 thermal resources—

22 “(A) geotechnical investigations;

23 “(B) off-road travel in a right-of-way es-
24 tablished by Congress, granted by a Federal
25 agency, or included in a land use plan; and

1 “(C) construction, maintenance, realign-
2 ment, and repair of an existing permanent or
3 temporary access road within a right-of-way es-
4 tablished by Congress, granted by a Federal
5 agency, or included in a land use plan.

6 “(b) NON-MAJOR FEDERAL ACTION.—Geothermal
7 exploration projects and covered activities shall not be con-
8 sidered major Federal actions under section 102(2)(C) of
9 the National Environmental Policy Act of 1969 (42 U.S.C.
10 4332(2)(C)).

11 “(c) REQUIREMENT TO PROVIDE NOTICE.—The
12 holder of a geothermal lease shall provide to the Secretary
13 notice of their intent to carry out a geothermal exploration
14 project at least 30 days before the start of drilling under
15 the project.”.

16 **SEC. 3. FINDINGS.**

17 Congress finds that—

18 (1) pursuant to section 109 of the National En-
19 vironmental Policy Act of 1969 (42 U.S.C. 4336c),
20 as amended by section 321(b) of the Fiscal Respon-
21 sibility Act of 2023 (Public Law 118–5), the Bureau
22 of Land Management announced on April 15, 2024,
23 it had adopted categorical exclusions from the De-
24 partment of the Navy and the United States Forest
25 Service for geothermal exploration; and

1 (2) if appropriately used, these categorical ex-
2 clusions are expected to expedite the review and ap-
3 proval of geothermal exploration proposals on Bu-
4 reau of Land Management lands.

