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(Original Signature of Member)

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

Mr. GOSAR (for himself and Mr. LEVIN of California) introduced the following bill; which was referred to the Committee on

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”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 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.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

5 (A) public lands administered by the Sec-
6 retary; and

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

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

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

17 (3) FEDERAL LAND.—The term “Federal land”
18 means—

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

5 (B) public lands.

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

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

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

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

24 (8) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

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

3 (A) not an exclusion area;

4 (B) not a priority area; and

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

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

15 (a) PRIORITY AREAS.—

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

20 (2) DEADLINE.—

21 (A) GEOTHERMAL ENERGY.—For geo-
22 thermal energy, the Secretary shall establish
23 priority areas as soon as practicable, but not
24 later than 5 years, after the date of the enact-
25 ment of this Act.

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

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

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

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

24 (1) review the adequacy of land allocations for
25 geothermal, solar, and wind energy priority and vari-

1 ance areas for the purpose of encouraging new re-
2 newable energy development opportunities; and

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

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

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

17 (2) for solar energy, by supplementing the July
18 2012 final programmatic environmental impact
19 statement for solar energy development and incor-
20 porating any additional regional analyses that have
21 been completed by Federal agencies since the pro-
22 grammatic environmental impact statement was fi-
23 nalized; and

24 (3) for wind energy, by supplementing the July
25 2005 final programmatic environmental impact

1 statement for wind energy development and incor-
2 porating any additional regional analyses that have
3 been completed by Federal agencies since the pro-
4 grammatic environmental impact statement was fi-
5 nalized.

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

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

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

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

22 (3) consistent with section 202 of the Federal
23 Land Policy and Management Act of 1976 (43
24 U.S.C. 1712), including subsection (c)(9) of that
25 section (43 U.S.C. 1712(c)(9)).

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

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

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

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

20 **SEC. 6. PROGRAM TO IMPROVE RENEWABLE ENERGY**
21 **PROJECT PERMIT COORDINATION.**

22 (a) ESTABLISHMENT.—The Secretary shall establish
23 a national Renewable Energy Coordination Office and
24 State, district, or field offices with responsibility to estab-
25 lish and implement a program to improve Federal permit
26 coordination with respect to renewable energy projects on

1 covered land and other activities deemed necessary by the
2 Secretary. In carrying out the program, the Secretary may
3 temporarily assign qualified staff to Renewable Energy
4 Coordination Offices to expedite the permitting of renew-
5 able energy projects.

6 (b) MEMORANDUM OF UNDERSTANDING.—

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

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

19 (c) DESIGNATION OF QUALIFIED STAFF.—

20 (1) IN GENERAL.—Not later than 30 days after
21 the date on which the memorandum of under-
22 standing under subsection (b) is executed, all Fed-
23 eral signatories, as appropriate, shall identify for
24 each of the Bureau of Land Management Renewable
25 Energy Coordination Offices one or more employees

1 who have expertise in the regulatory issues relating
2 to the office in which the employee is employed, in-
3 cluding, as applicable, particular expertise in—

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

8 (B) permits under section 404 of the Fed-
9 eral Water Pollution Control Act (33 U.S.C.
10 1344);

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

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

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

17 (F) the preparation of analyses under the
18 National Environmental Policy Act of 1969 (42
19 U.S.C. 4321 et seq.);

20 (G) implementation of the requirements of
21 section 306108 of title 54, United States Code
22 (formerly known as section 106 of the National
23 Historic Preservation Act);

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

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

6 (2) DUTIES.—Each employee assigned under
7 paragraph (1) shall—

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

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

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

22 (e) CLARIFICATION OF EXISTING AUTHORITY.—
23 Under section 307 of the Federal Land Policy and Man-
24 agement Act of 1976 (43 U.S.C. 1737), the Bureau of
25 Land Management may—

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

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

6 (f) REPORT TO CONGRESS.—

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

16 (2) INCLUSIONS.—Each report under this sub-
17 section shall include—

18 (A) projections for renewable energy pro-
19 duction and capacity installations; and

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

22 **SEC. 7. INCREASING ECONOMIC CERTAINTY.**

23 (a) CONSIDERATIONS.—The Secretary is authorized
24 to and shall consider acreage rental rates, capacity fees,
25 and other recurring annual fees in total when evaluating

1 existing rates paid for the use of Federal land by renew-
2 able energy projects.

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

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

13 (1) that the existing rates—

14 (A) exceed fair market value;

15 (B) impose economic hardships;

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

18 (D) are not competitively priced compared
19 to other available land; or

20 (2) that a reduced rental rate or capacity fee is
21 necessary to promote the greatest use of wind and
22 solar energy resources, especially those resources in-
23 side priority areas. Rental rates and capacity fees
24 for projects that are within the boundaries of a Des-
25 ignated Leasing Area but not formally recognized as

1 being in such an area shall be equivalent to rents
2 and fees for new leases inside of a Designated Leas-
3 ing Area.

4 **SEC. 8. LIMITED GRANDFATHERING.**

5 (a) DEFINITION OF PROJECT.—In this section, the
6 term “project” means a system described in section
7 2801.9(a)(4) of title 43, Code of Federal Regulations (as
8 in effect on the date of enactment of this Act).

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

20 **SEC. 9. RENEWABLE ENERGY GOAL.**

21 The Secretary and the Secretary of Agriculture shall
22 seek to issue permits that, in total, authorize production
23 of not less than 25 gigawatts of electricity from wind,
24 solar, and geothermal energy projects by not later than

1 2025, through management of public lands and adminis-
2 tration of Federal laws.

3 **SEC. 10. DISPOSITION OF REVENUES.**

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

13 (1) 25 percent shall be paid by the Secretary of
14 the Treasury to the State within the boundaries of
15 which the revenue is derived.

16 (2) 25 percent shall be paid by the Secretary of
17 the Treasury to the one or more counties within the
18 boundaries of which the revenue is derived, to be al-
19 located among the counties based on the percentage
20 of land from which the revenue is derived.

21 (3) 15 percent shall be deposited in the Treas-
22 ury and be made available to the Secretary to carry
23 out the program established under this Act, includ-
24 ing the transfer of the funds by the Bureau of Land
25 Management to other Federal agencies and State

1 agencies to facilitate the processing of renewable en-
2 ergy permits on Federal land, with priority given to
3 using the amounts, to the maximum extent prac-
4 ticable without detrimental impacts to emerging
5 markets, to expediting the issuance of permits re-
6 quired for the development of renewable energy
7 projects in the States from which the revenues are
8 derived.

9 (4) 25 percent shall be deposited in the Renew-
10 able Energy Resource Conservation Fund estab-
11 lished by subsection (c).

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

15 (b) PAYMENTS TO STATES AND COUNTIES.—

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

20 (2) PAYMENTS IN LIEU OF TAXES.—A payment
21 to a county under paragraph (1) shall be in addition
22 to a payment in lieu of taxes received by the county
23 under chapter 69 of title 31, United States Code.

24 (c) RENEWABLE ENERGY RESOURCE CONSERVATION
25 FUND.—

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

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

11 (A) restoring and protecting—

12 (i) fish and wildlife habitat for af-
13 fected species;

14 (ii) fish and wildlife corridors for af-
15 fected species; and

16 (iii) water resources in areas affected
17 by wind, geothermal, or solar energy devel-
18 opment; and

19 (B) preserving and improving recreational
20 access to Federal land and water in an affected
21 region through an easement, right-of-way, or
22 other instrument from willing landowners for
23 the purpose of enhancing public access to exist-
24 ing Federal land and water that is inaccessible
25 or restricted.

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

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

10 (5) INVESTMENT OF FUND.—

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

17 (B) USE.—Any interest earned under sub-
18 paragraph (A) may be expended in accordance
19 with this subsection.

20 (6) REPORT TO CONGRESS.—At the end of each
21 fiscal year, the Secretary shall report to the Com-
22 mittee on Natural Resources of the House of Rep-
23 resentatives and the Committee on Energy and Nat-
24 ural Resources of the Senate—

1 (A) the amount collected as described in
2 subsection (a), by source, during that fiscal
3 year;

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

7 (C) the amount remaining in the Fund at
8 the end of the fiscal year.

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

14 **SEC. 11. PROMOTING AND ENHANCING DEVELOPMENT OF**
15 **GEOTHERMAL ENERGY.**

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

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

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

25 “(1) IN GENERAL.—Amounts”; and

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

2 “(2) AUTHORIZATION.—Effective for fiscal year
3 2019 and each fiscal year thereafter, amounts de-
4 posited under subsection (a) shall be available to the
5 Secretary of the Interior for expenditure, without
6 further appropriation or fiscal year limitation, to im-
7 plement the Geothermal Steam Act of 1970 (30
8 U.S.C. 1001 et seq.) and this Act.”.

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

11 Section 4(b) of the Geothermal Steam Act of 1970
12 (30 U.S.C. 1003(b)) is amended by adding at the end the
13 following:

14 “(4) LAND SUBJECT TO OIL AND GAS LEASE.—
15 Land under an oil and gas lease issued pursuant to
16 the Mineral Leasing Act (30 U.S.C. 181 et seq.) or
17 the Mineral Leasing Act for Acquired Lands (30
18 U.S.C. 351 et seq.) that is subject to an approved
19 application for permit to drill and from which oil
20 and gas production is occurring may be available for
21 noncompetitive leasing under subsection (c) by the
22 holder of the oil and gas lease—

23 “(A) on a determination that geothermal
24 energy will be produced from a well producing
25 or capable of producing oil and gas; and

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

3 **SEC. 13. NONCOMPETITIVE LEASING OF ADJOINING AREAS**
4 **FOR DEVELOPMENT OF GEOTHERMAL RE-**
5 **SOURCES.**

6 Section 4(b) of the Geothermal Steam Act of 1970
7 (30 U.S.C. 1003(b)) is further amended by adding at the
8 end the following:

9 “(5) ADJOINING LAND.—

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

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

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

23 “(II) shall be determined by the
24 Secretary with respect to a lease
25 under this paragraph, by not later

1 than the end of the 180-day period
2 beginning on the date the Secretary
3 receives an application for the lease;
4 and

5 “(III) shall be not less than the
6 greater of—

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

11 “(bb) \$50.

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

22 “(iii) QUALIFIED FEDERAL LAND.—
23 The term ‘qualified Federal land’ means
24 land that is otherwise available for leasing
25 under this Act.

1 “(iv) QUALIFIED GEOTHERMAL PRO-
2 FESSIONAL.—The term ‘qualified geo-
3 thermal professional’ means an individual
4 who is an engineer or geoscientist in good
5 professional standing with at least 5 years
6 of experience in geothermal exploration,
7 development, or project assessment.

8 “(v) QUALIFIED LESSEE.—The term
9 ‘qualified lessee’ means a person who may
10 hold a geothermal lease under this Act (in-
11 cluding applicable regulations).

12 “(vi) VALID DISCOVERY.—The term
13 ‘valid discovery’ means a discovery of a
14 geothermal resource by a new or existing
15 slim hole or production well, that exhibits
16 downhole or flowing temperature measure-
17 ments with indications of permeability that
18 are sufficient to meet industry standards.

19 “(B) AUTHORITY.—An area of qualified
20 Federal land that adjoins other land for which
21 a qualified lessee holds a legal right to develop
22 geothermal resources may be available for a
23 noncompetitive lease under this section to the
24 qualified lessee at the fair market value per
25 acre, if—

1 “(i) the area of qualified Federal
2 land—

3 “(I) consists of not less than 1
4 acre and not more than 640 acres;
5 and

6 “(II) is not already leased under
7 this Act or nominated to be leased
8 under subsection (a);

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

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

21 “(I) there is a valid discovery of
22 geothermal resources on the land for
23 which the qualified lessee holds the
24 legal right to develop geothermal re-
25 sources; and

1 “(II) that geothermal feature ex-
2 tends into the adjoining areas.

3 “(C) DETERMINATION OF FAIR MARKET
4 VALUE.—

5 “(i) IN GENERAL.—The Secretary
6 shall—

7 “(I) publish a notice of any re-
8 quest to lease land under this para-
9 graph;

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

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

24 “(IV) provide to the qualified les-
25 see and any adversely affected party

1 the opportunity to appeal the final de-
2 termination of fair market value in an
3 administrative proceeding before the
4 applicable Federal land management
5 agency, in accordance with applicable
6 law (including regulations).

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

14 “(iii) ANNUAL RENTAL.—For pur-
15 poses of section 5(a)(3), a lease awarded
16 under this paragraph shall be considered a
17 lease awarded in a competitive lease sale.

18 “(D) REGULATIONS.—Not later than 270
19 days after the date of the enactment of this
20 paragraph, the Secretary shall issue regulations
21 to carry out this paragraph.”.

22 **SEC. 14. SAVINGS CLAUSE.**

23 Notwithstanding any other provision of this Act, the
24 Secretary shall continue to manage public lands under the
25 principles of multiple use and sustained yield in accord-

1 ance with title I of the Federal Land Policy and Manage-
2 ment Act of 1976 (43 U.S.C. 1701 et seq.), including due
3 consideration of mineral and nonrenewable energy-related
4 projects and other nonrenewable energy uses, for the pur-
5 poses of land use planning, permit processing, and con-
6 ducting environmental reviews.