

117TH CONGRESS
1ST SESSION

S. 2949

To amend the Energy Policy Act of 2005 and the Geothermal Steam Act of 1970 to describe the scope of activities subject to a presumption of the applicability of an exclusion under the National Environmental Policy Act of 1969.

IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2021

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Energy Policy Act of 2005 and the Geothermal Steam Act of 1970 to describe the scope of activities subject to a presumption of the applicability of an exclusion under the National Environmental Policy Act of 1969.

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. NEPA REVIEW OF GEOTHERMAL EXPLORATION**

4 **OR DEVELOPMENT ACTIVITIES.**

5 (a) IN GENERAL.—Section 390(b) of the Energy Pol-
6 icy Act of 2005 (42 U.S.C. 15942(b)) is amended by add-
7 ing at the end the following:

1 “(6) Conversion of an oil or gas well to a geo-
2 thermal well.”.

3 (b) GEOTHERMAL STEAM ACT OF 1970.—The Geo-
4 thermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is
5 amended by adding at the end the following:

6 **“SEC. 30. NEPA REVIEW OF GEOTHERMAL EXPLORATION**
7 **OR DEVELOPMENT ACTIVITIES.**

8 “(a) IN GENERAL.—Action by the Secretary in man-
9 aging land subject to geothermal leasing under this Act
10 with respect to any of the activities described in subsection
11 (b) shall be subject to a rebuttable presumption that the
12 use of a categorical exclusion under the National Environ-
13 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (re-
14 ferred to in this section as ‘NEPA’) would apply if the
15 activity is conducted pursuant to this Act for the purpose
16 of exploration or development of geothermal resources.

17 “(b) ACTIVITIES DESCRIBED.—The activities re-
18 ferred to in subsection (a) are the following:

19 “(1) Individual surface disturbances of less
20 than 5 acres, on the condition that—

21 “(A) the total surface disturbance on the
22 lease is not greater than 150 acres; and

23 “(B) site-specific analysis in a document
24 prepared pursuant to NEPA has been pre-
25 viously completed.

1 “(2) Drilling a geothermal well at a location or
2 well pad site at which drilling has occurred during
3 the 5-year period preceding the date of spudding the
4 well.

5 “(3) Drilling a geothermal well within a devel-
6 oped field for which an approved land use plan or
7 any environmental document prepared pursuant to
8 NEPA analyzed the drilling as a reasonably foresee-
9 able activity, on the condition that the land use plan
10 or environmental document was approved during the
11 5-year period preceding the date of spudding the
12 well.

13 “(4) Placement of a pipeline or transmission
14 line in an approved right-of-way corridor, on the
15 condition that the corridor was approved during the
16 5-year period preceding the date of placement of the
17 pipeline or transmission line.

18 “(5) Maintenance of a minor activity, other
19 than any construction or major renovation of a
20 building or facility.

21 “(6) Conversion of an oil or gas well to a geo-
22 thermal well.”.

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