

(d) "byproduct" means any mineral or minerals (exclusive of oil, hydrocarbon gas, and helium) which are found in solution or in association with geothermal steam and which have a value of less than 75 per centum of the value of the geothermal steam or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves;

(e) "known geothermal resources area" means an area in which the geology, nearby discoveries, competitive interests, or other indicia would, in the opinion of the Secretary, engender a belief in men who are experienced in the subject matter that the prospects for extraction of geothermal steam or associated geothermal resources are good enough to warrant expenditures of money for that purpose.

(f) "Significant<sup>1</sup> thermal features within units of the National Park System" shall include, but not be limited to, the following:

(1) Thermal features within units of the National Park System listed in Section<sup>1</sup> 1026(a)(1) of this title and designated as significant in the Federal Register notice of August 3, 1987 (Vol. 52, No. 148 Fed. Reg. 28790).

(2) Crater Lake National Park.

(3) Thermal features within Big Bend National Park and Lake Mead National Recreation Area proposed as significant in the Federal Register notice of February 13, 1987 (Vol. 52, No. 30 Fed. Reg. 4700).

(4) Thermal features within units of the National Park System added to the significant thermal features list pursuant to section 1026(a)(2) of this title.

(Pub. L. 91-581, § 2, Dec. 24, 1970, 84 Stat. 1566; Pub. L. 100-443, § 2(a), Sept. 22, 1988, 102 Stat. 1766.)

#### AMENDMENTS

1988—Par. (f). Pub. L. 100-443 added par. (f).

#### SHORT TITLE OF 1988 AMENDMENT

Section 1 of Pub. L. 100-443 provided that: "This Act [enacting sections 1026 and 1027 of this title, amending this section and sections 191, 226-3, 1005, 1017, and 1019 of this title, and enacting provisions set out as notes under sections 1005 and 1026 of this title] may be known as the 'Geothermal Steam Act Amendments of 1988'."

#### SHORT TITLE

Section 1 of Pub. L. 91-581 provided: "That this Act [enacting this chapter and amending section 530 of this title] may be cited as the 'Geothermal Steam Act of 1970'."

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1005, 1026 of this title.

### § 1002. Lands subject to geothermal leasing

Subject to the provisions of section 1014 of this title, the Secretary of the Interior may issue leases for the development and utilization of geothermal steam and associated geothermal resources (1) in lands administered by him, including public, withdrawn, and acquired lands, (2) in

any national forest or other lands administered by the Department of Agriculture through the Forest Service, including public, withdrawn, and acquired lands, and (3) in lands which have been conveyed by the United States subject to a reservation to the United States of the geothermal steam and associated geothermal resources therein.

(Pub. L. 91-581, § 3, Dec. 24, 1970, 84 Stat. 1566.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1024 of this title.

### § 1002a. Repealed. Pub. L. 97-214, § 7(16), July 12, 1982, 96 Stat. 174

Section, Pub. L. 95-356, title VIII, § 803(a), (b), Sept. 8, 1978, 92 Stat. 585; Pub. L. 96-125, title VIII, § 802(2), Nov. 26, 1979, 93 Stat. 948; Pub. L. 97-99, title IX, § 908, Dec. 23, 1981, 95 Stat. 1385, related to development of geothermal energy sources on military lands, contracts for provision and operation of production facilities and energy purchases, and terms, conditions and prerequisites of such contracts. See sections 2689 and 2394 of Title 10, Armed Forces.

Section 803(c) of Pub. L. 95-356, which provided that this section take effect Oct. 1, 1978, was repealed by Pub. L. 97-214, § 7(16), July 12, 1982, 96 Stat. 174.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing before, on, or after such date, see section 12(a) of Pub. L. 97-214, set out as an Effective Date note under section 2801 of Title 10, Armed Forces.

### § 1003. Bids; competitive bidding; first application of qualified person without competitive bidding

If lands to be leased under this chapter are within any known geothermal resources area, they shall be leased to the highest responsible qualified bidder by competitive bidding under regulations formulated by the Secretary. If the lands to be leased are not within any known geothermal resources area, the qualified person first making application for the lease shall be entitled to a lease of such lands without competitive bidding. Notwithstanding the foregoing, at any time within one hundred and eighty days following December 24, 1970:

#### (a) Conversion to geothermal lease

with respect to all lands which were on September 7, 1965, subject to valid leases or permits issued under the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), or under the Mineral Leasing Act of Acquired Lands, as amended (30 U.S.C. 351, 358), or to existing mining claims located on or prior to September 7, 1965, the lessees or permittees or claimants or their successors in interest who are qualified to hold geothermal leases shall have the right to convert such leases or permits or claims to geothermal leases covering the same lands;

#### (b) Consideration of first person in conflicting land interests

where there are conflicting claims, leases, or permits therefor embracing the same land, the person who first was issued a lease or permit, or who first recorded the mining claim shall be entitled to first consideration;

<sup>1</sup> So in original. Probably should not be capitalized.