

established well-spacing or development program, any lease, or a portion thereof, may be pooled with other lands, whether or not owned by the United States, under a communitization or drilling agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the drilling or spacing unit when determined by the Secretary to be in the public interest, and operations or production pursuant to such an agreement shall be deemed to be operations or production as to each lease committed thereto.

The Secretary is hereby authorized, on such conditions as he may prescribe, to approve operating, drilling, or development contracts made by one or more lessees of geothermal leases, with one or more persons, associations, or corporations whenever, in his discretion, the conservation of natural products or the public convenience or necessity may require or the interests of the United States may be best served thereby. All leases operated under such approved operating, drilling, or development contracts, and interests thereunder, shall be excepted in determining holdings or control under section 1006 of this title.

(Pub. L. 91-581, §18, Dec. 24, 1970, 84 Stat. 1571; Pub. L. 100-443, §4, Sept. 22, 1988, 102 Stat. 1768.)

AMENDMENTS

1988—Pub. L. 100-443, §4, inserted provisions relating to five year review of plans and elimination of leases from plans.

§ 1018. Data from Federal agencies concerning conversion charges; confidential information

Upon request of the Secretary, other Federal departments and agencies shall furnish him with any relevant data then in their possession or knowledge concerning or having bearing upon fair and adequate charges to be made for geothermal steam produced or to be produced for conversion to electric power or other purposes. Data given to any department or agency as confidential under law shall not be furnished in any fashion which identifies or tends to identify the business entity whose activities are the subject of such data or the person or persons who furnished such information.

(Pub. L. 91-581, §19, Dec. 24, 1970, 84 Stat. 1572.)

§ 1019. Disposal of moneys from sales, bonuses, royalties and rentals

Subject to the provisions of section 191(b) of this title, all moneys received from the sales, bonuses, royalties and rentals under the provisions of this chapter, including the payments referred to in section 1005(i) of this title, shall be disposed of in the same manner as such moneys received pursuant to section 191 of this title or pursuant to section 355 of this title, as the case may be.

(Pub. L. 91-581, §20, Dec. 24, 1970, 84 Stat. 1572; Pub. L. 100-443, §5(a), Sept. 22, 1988, 102 Stat. 1768; Pub. L. 103-66, title X, §10202(b), Aug. 10, 1993, 107 Stat. 408.)

AMENDMENTS

1993—Pub. L. 103-66 substituted "Subject to the provisions of section 191(b) of this title, all moneys" for "All moneys".

1988—Pub. L. 100-443 amended section generally. Prior to amendment, section read as follows: "All moneys received under this chapter from public lands under the jurisdiction of the Secretary shall be disposed of in the same manner as moneys received from the sale of public lands. Moneys received under this chapter from other lands shall be disposed of in the same manner as other receipts from such lands."

§ 1020. Publication in Federal Register of known geothermal resource area lands; necessity of geothermal leases for development or production of geothermal resources in lands which the United States transferred with reservation of mineral rights

(a) Within one hundred and twenty days after December 24, 1970, the Secretary shall cause to be published in the Federal Register a determination of all lands which were included within any known geothermal resources area on December 24, 1970. He shall likewise publish in the Federal Register from time to time his determination of other known geothermal resources areas specifying in each case the date the lands were included in such area; and

(b) Geothermal resources in lands the surface of which has passed from Federal ownership but in which the minerals have been reserved to the United States shall not be developed or produced except under geothermal leases made pursuant to this chapter. If the Secretary of the Interior finds that such development is imminent, or that production from a well heretofore drilled on such lands is imminent, he shall so report to the Attorney General, and the Attorney General is authorized and directed to institute an appropriate proceeding in the United States district court of the district in which such lands are located, to quiet the title of the United States in such resources, and if the court determines that the reservation of minerals to the United States in the lands involved included the geothermal resources, to enjoin their production otherwise than under the terms of this chapter: *Provided*, That upon an authoritative judicial determination that Federal mineral reservation does not include geothermal steam and associated geothermal resources the duties of the Secretary of the Interior to report and of the Attorney General to institute proceedings, as hereinbefore set forth, shall cease.

(Pub. L. 91-581, §21, Dec. 24, 1970, 84 Stat. 1572.)

§ 1021. Federal exemption from State water laws

Nothing in this chapter shall constitute an express or implied claim or denial on the part of the Federal Government as to its exemption from State water laws.

(Pub. L. 91-581, §22, Dec. 24, 1970, 84 Stat. 1573.)

§ 1022. Waste, prevention; exclusiveness of provisions for acquisition of geothermal rights

(a) All leases under this chapter shall be subject to the condition that the lessee will, in conducting his exploration, development, and producing operations, use all reasonable precautions to prevent waste of geothermal steam and associated geothermal resources developed in the lands leased.

(b) Rights to develop and utilize geothermal steam and associated geothermal resources un-

derlying lands owned by the United States may be acquired solely in accordance with the provisions of this chapter.

(Pub. L. 91-581, §23, Dec. 24, 1970, 84 Stat. 1573.)

§ 1023. Rules and regulations; scope of provisions

The Secretary shall prescribe such rules and regulations as he may deem appropriate to carry out the provisions of this chapter. Such regulations may include, without limitation, provisions for (a) the prevention of waste, (b) development and conservation of geothermal and other natural resources, (c) the protection of the public interest, (d) assignment, segregation, extension of terms, relinquishment of leases, development contracts, unitization, pooling, and drilling agreements, (e) compensatory royalty agreements, suspension of operations or production, and suspension or reduction of rentals or royalties, (f) the filing of surety bonds to assure compliance with the terms of the lease and to protect surface use and resources, (g) use of the surface by a lessee of the lands embraced in his lease, (h) the maintenance by the lessee of an active development program, and (i) protection of water quality and other environmental qualities.

(Pub. L. 91-581, §24, Dec. 24, 1970, 84 Stat. 1573.)

TRANSFER OF FUNCTIONS

Functions of Secretary of the Interior to promulgate regulations under this chapter relating to fostering of competition for Federal leases, implementation of alternative bidding systems authorized for award of Federal leases, establishment of diligence requirements for operations conducted on Federal leases, setting of rates for production of Federal leases, and specifying of procedures, terms, and conditions for acquisition and disposition of Federal royalty interests taken in kind, transferred to Secretary of Energy by section 7152(b) of Title 42, The Public Health and Welfare. Section 7152(b) of Title 42 was repealed by Pub. L. 97-100, title II, §201, Dec. 23, 1981, 95 Stat. 1407, and functions of Secretary of Energy returned to Secretary of the Interior. See House Report No. 97-315, pp. 25, 26, Nov. 5, 1981.

§ 1024. Disposal of land laws; reservation of geothermal resources and restriction on disposal of lands with geothermal resources; conveyances prior to December 24, 1970, unaffected

As to any land subject to geothermal leasing under section 1002 of this title, all laws which either (a) provide for the disposal of land by patent or other form of conveyance or by grant or by operation of law subject to a reservation of any mineral or (b) prevent or restrict the disposal of such land because of the mineral character of the land, shall hereafter be deemed to embrace geothermal steam and associated geothermal resources as a substance which either must be reserved or must prevent or restrict the disposal of such land, as the case may be. This section shall not be construed to affect grants, patents, or other forms of conveyances made prior to December 24, 1970.

(Pub. L. 91-581, §25, Dec. 24, 1970, 84 Stat. 1573.)

§ 1025. Federal reservation of certain mineral rights; extraction of minerals without substantial interference with geothermal production

The United States reserves the ownership of and the right to extract under such rules and regulations as the Secretary may prescribe oil, hydrocarbon gas, and helium from all geothermal steam and associated geothermal resources produced from lands leased under this chapter in accordance with presently applicable laws: *Provided*, That whenever the right to extract oil, hydrocarbon gas, and helium from geothermal steam and associated geothermal resources produced from such lands is exercised pursuant to this section, it shall be exercised so as to cause no substantial interference with the production of geothermal steam and associated geothermal resources from such lands.

(Pub. L. 91-581, §27, Dec. 24, 1970, 84 Stat. 1574.)

§ 1026. Significant thermal features

(a) Units of National Park System

(1) The Secretary shall maintain a list of significant thermal features, as defined in section 1001(f) of this title, within units of the National Park System, including but not limited to the following units:

- (A) Mount Rainier National Park.
- (B) Crater Lake National Park.
- (C) Yellowstone National Park.
- (D) John D. Rockefeller, Jr. Memorial Parkway.
- (E) Bering Land Bridge National Preserve.
- (F) Gates of the Arctic National Park and Preserve.
- (G) Katmai National Park.
- (H) Aniakchak National Monument and Preserve.
- (I) Wrangell-St. Elias National Park and Preserve.
- (J) Lake Clark National Park and Preserve.
- (K) Hot Springs National Park.
- (L) Big Bend National Park (including that portion of the Rio Grande National Wild Scenic River within the boundaries of Big Bend National Park).
- (M) Lassen Volcanic National Park.
- (N) Hawai'i Volcanoes National Park.
- (O) Haleakalā National Park.
- (P) Lake Mead National Recreation Area.

(2) The Secretary may, after notice and public comment, add significant thermal features within units of the National Park System to the significant thermal features list.

(3) The Secretary shall consider the following criteria in determining the significance of thermal features:

- (A) Size, extent and uniqueness.
- (B) Scientific and geologic significance.
- (C) The extent to which such features remain in a natural, undisturbed condition.
- (D) Significance of thermal features to the authorized purposes for which the National Park System unit was established.

(b) Monitoring program

(1) The Secretary shall maintain a monitoring program for significant thermal features within units of the National Park System.