



**Testimony Regarding HB. 146**  
**House Transportation and Defense Committee**  
**2/20/2025**

Mr. Chairmen, Members of the Committee. Good afternoon. My name is Lance Giles, and I am a contract lobbyist based in Boise, Idaho. Today, I am submitting my written testimony on behalf of my client, Renewable Northwest, and I am urging you to send House Bill 146 to General Orders for amendment. I am unable to testify today in person because I am presenting a bill on the Senate at the same time as this hearing.

Renewable Northwest is a registered 501(c3) non-profit and membership organization consisting of over 80 members, including energy developers, power marketers, power purchasers, environmental organizations, law firms, and others. They support competitive marketplaces for energy development in Idaho, Montana, Washington, and Oregon.

I am testifying in support of amending the bill to create a different timeline than is written in the bill for the installation of light mitigation systems on existing wind facilities. To be clear, Renewable Northwest supports the portion of this bill that applies to future wind facilities. My testimony is given in the spirit of constructive engagement out of respect for the concerns of the bill's sponsor, Representative Jeff Ehlers, and his constituents.

HB 146's current language pertaining to existing operational wind facilities is, unfortunately, retroactively punitive to companies that have operated according to county, state, and federal law in good faith. The bill requires owners of operating wind facilities apply to the Federal Aviation Administration (FAA) for permission to install light mitigations systems no later than January 1<sup>st</sup>, 2026, and must install the system within two years of the FAA's approval.

Costs associated with energy projects are built into their contractual offtake before the facilities are operational, most often via a power purchase agreement (PPA). HB 146's requirement that facilities install multi-million-dollar systems after operations have begun, without the ability to price costs into PPAs, is tantamount to an unfunded mandate - a retroactive tax on critical engines of economic development in Idaho. The Governor's Office of Energy and Mineral Resources stated in its *2025 Idaho Energy & Mineral Landscape* report that "[annually], wind projects in the state generate approximately \$13 million for local communities."<sup>1</sup>

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<sup>1</sup> Idaho Governor's Office of Energy and Mineral Resources (n.d.). *2025 Idaho Energy and Mineral Landscape*. Page 47. Retrieved February 19, 2025, from <https://oemr.idaho.gov/wp-content/uploads/2025-Idaho-Energy-and-Mineral-Landscape.pdf>

If passed as written, HB 146 would be the most restrictive of any state legislation requiring light mitigation systems on wind facilities. Consider examples from North Dakota, Kansas, and Oklahoma:

- In addition to future wind facilities, North Dakota requires light mitigation systems only of facilities that have been approved but are not yet operational.
- Kansas gave owners of operational wind facilities three years to submit their application to the FAA, and a further two years after approval to install them.
- Oklahoma is considering legislation that would require owners of operating wind facilities to, after FAA approval, install the systems either during the next facility repowering or renewal or negotiation of a new purchase power agreement (PPA), whichever comes first.

To put this into perspective for Idaho, consider PPA timelines for three wind facilities in Bonneville County. First, we expect the PPA for Goshen Wind Farm to be up for renewal in 2030. The Meadow Creek Wind Farm's PPA renewal is anticipated in 2032. And finally, the Wolverine Creek Wind Farm PPA renewal is anticipated this year (2025).

Owners and operators of Idaho's wind facilities are providing great benefit to the State of Idaho and its residents. They are able to deliver these benefits because they went through a well-established and fair process that allowed them to price their costs into their operations. The section of HB 146 that applies to operating facilities is a retroactive state-imposed tax and is out of character with Idaho's renowned business friendly environment..

Renewable Northwest requests this bill be amended to avoid it becoming an unfunded mandate. Specifically, they request a change to the section pertaining to existing facilities that allows owners or operators the ability to install light mitigation systems during the next repowering or renewed or negotiated PPA, whichever comes first, so that the substantial associated costs can be recouped. RNW is happy to suggest specific language upon request.

Again, Mr. Chairman and Members of the Committee, I urge you to send House Bill 146 to General Orders for amendment. Thank you for considering my testimony.