

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, March 03, 2025

TIME: 1:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Burtenshaw, Vice Chairman Hart, Senators Guthrie, Harris, Okuniewicz, Cook, VanOrden, Kohl, and Taylor

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Burtenshaw** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:30 p.m.

DOCKET NO. 20-0314-2401 **Rescind and Correct Motion from February 26, 2025 Meeting.**

MOTION: **Senator Harris** moved to rescind the motion that was adopted at the February 26, 2025 meeting regarding striking final rule **IDAPA 20-03-14**. **Vice Chairman Hart** seconded the motion. The motion carried by **voice vote**.

DISCUSSION: **Senator Harris** explained the way IDAPA 20-03-14 Section 50 Subsection 02 was currently written, any state grazing lease was guaranteed for only six months, because at any time the lease could be cancelled with six-month notice. This contradicted the intended purpose of the law as established by the Legislature when it was passed.

MOTION: **Senator Harris** moved to strike final rule **IDAPA 20-03-14 Section 50 Subsection 02**. **Vice Chairman Hart** seconded the motion. The motion carried by **voice vote**.

H 146 **WIND ENERGY CONVERSION SYSTEMS - Adds to existing law to require the installation of light-mitigating technology systems on wind energy conversion systems.** **Representative Ehlers** explained this legislation required commercial wind energy systems to use light-mitigation technology if approved by the Federal Aviation Administration (FAA). He explained there was technology that worked with radar to keep lights on windmills off until there was an airplane flying through the area, and then it would turn the lights on for safety. When the sky was clear, it would turn the lights off again. This would minimize the length of time flashing lights disturbed those living on residential properties. The first part of the legislation required this technology be installed on new windmills if approved by the FAA, the second applied to existing wind technology and provided more time to apply for FAA approval and for installation, and the third applied to commercial wind farms with at least five or more windmills. He proposed and reviewed some amendments to this legislation based on comments from Renewable Northwest (Attachment 1).

DISCUSSION: **Senator VanOrden** asked who would be responsible for obtaining FAA approval. **Representative Ehlers** responded that the operator of the wind energy system was responsible.

Senator Taylor asked if every wind turbine was required to have a flashing light on it, even if it was not in a flight path. **Representative Ehlers** was not sure, although all the ones he had seen in Idaho had them. **Senator Taylor** asked what reason the FAA might have to deny light-mitigation technology on a wind turbine. **Representative Ehlers** responded that companies that provide this technology had good success obtaining FAA approval, and he was unfamiliar with any scenario that they did not approve.

Senator Kohl asked if this legislation was for new wind turbine operations going forward or for every wind turbine that was currently in the State of Idaho. **Representative Ehlers** responded that it was for every one, but requirements differed for new wind energy systems versus existing systems. **Senator Kohl** asked how much it costs to install light-mitigation technology on one wind turbine. **Representative Ehlers** responded that it was about \$1 million for the entire system. This was not per windmill, but to install a radar base that covered 18 nautical miles, and most wind farms in Idaho were under 18 nautical miles.

Vice Chairman Hart noted the definition of "wind energy conversion system" and the application to groups of five turbines that were 50 feet or taller, and suggested single turbines that were especially tall should have the same lighting system. **Representative Ehlers** responded this legislation addressed commercial operations, and red flashing lights were already required on radio towers and windmills over a certain height. This legislation only required technology to turn the lights on a windmill off when there were no aircraft nearby, and back on again when aircraft were near.

Senator Okuniewicz asked about the size of the radar installation. **Representative Ehlers** responded that these had about a ten foot by ten foot footprint.

Senator Taylor asked if the installation cost was per tower and if existing towers would require retrofitting to install new lights. **Representative Ehlers** responded that their quotes were not per tower, but a fixed cost for a base system and a connection to the tower. He also responded again to Senator Taylor's earlier question about what reason the FAA might have to deny light-mitigation technology on a wind turbine, which could be due to the turbine's proximity to a military base or an airport.

Senator Guthrie commented that this legislation might be overkill for turbines in areas where there were no people, and he shared a concern about the cost of retrofitting existing turbines. **Representative Ehlers** responded that he considered limiting this legislation to residential areas, but he could not determine a clear way to do this in statute. He believed the installation cost was similar for new turbines versus existing ones, as the majority of the cost was to install the base radar system.

Senator Kohl asked if there was only one company that produced the light-mitigation technology. **Representative Ehlers** responded there were at least two companies that produced this product.

MOTION:

Vice Chairman Hart moved to send **H 146** to the 14th Order of Business for possible amendment. **Senator VanOrden** seconded the motion. The motion carried by **voice vote**. **Senator Guthrie** requested that he be recorded as voting nay.

H 226

MINES AND MINING - Amends and adds to existing law to provide for the adjustment of line license tax allocations, the expenditures of reclamation funds, voluntary contributions, the establishment of an advisory committee, the responsibilities of the department of lands, and the setting of reclamation priorities. Senator Harris shared that this legislation redirected a higher percentage of funds from the Idaho Mine License Tax to the Abandoned Mine Lands Fund, which was created to assist cleanup of Idaho mines that were abandoned generations ago. It provided for voluntary contributions to the Abandoned Mine Lands Fund, and that voluntary contributions from mining companies could be considered as part of the environmental or natural resource requirements for new or expanded mining operations. It specified what percentage of funds must be spent on direct reclamation activities. It required the Idaho Department of Lands (IDL) to prioritize abandoned mine sites as to actions needed and to provide an annual report of how funds were spent and actual progress made, and created an advisory committee to provide guidance to IDL regarding priorities. **Senator Harris** explained that these actions were intended to stabilize the fund, which had been depleted over the last ten years due to ongoing expenditures combined with a down cycle in the mineral production industry.

TESTIMONY: **Ben Davenport**, Executive Vice President, Idaho Mining Association, testified in favor of **H 226**. He provided some history on the Abandoned Mine Lands Fund, which was created in 1994. In 1999, the industry passed legislation to continue this fund by allocating one third of the Idaho Mine License Tax. That percentage was no longer sufficient, and this legislation was intended to help stabilize the fund.

DISCUSSION: **Senator Taylor** asked if the voluntary contributions could be considered as a mitigation, or like a payment in lieu. **Mr. Davenport** responded that mitigation funds were used primarily by the federal agencies to address concerns about lands in or around a mine, but as of now the State did not require mitigation for mines. They were hopeful that the federal government would allow them to put some voluntary contributions into the Abandoned Mine Lands Fund, which allowed the industry a little more control over where mitigation was done.

MOTION: **Senator Okuniewicz** moved to send **H 226** to the floor with a **do pass** recommendation. **Senator Kohl** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Kohl** moved to approve the Minutes of February 3, 2025. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Guthrie** moved to approve the Minutes of February 5, 2025. **Senator Okuniewicz** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Harris** moved to approve the Minutes of Minutes of February 10, 2025. **Senator VanOrden** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Burtenshaw** adjourned the meeting at 2:02 p.m.

Senator Burtenshaw
Chair

Shelly Johnson
Secretary