

Commission considers wind hearing 'do-over'

Application additions lead to questions about meeting validity

By Lindsey Erin Kroskob
Pioneer Staff Writer

The Sweet Grass County Commissioners are considering re-hosting an abatement hearing for the Crazy Mountain Wind Project.

Sweet Grass County Attorney Pat Dringman met with the commission board Feb. 26 and again March 3 to discuss the validity of the original hearing held Feb. 20 at the Big Timber Carnegie Library.

They intended to make a decision March 3, but voted 2-1 to table the decision in the hope of garnering additional information from the Montana Department of the Revenue (DOR) about an administrative standard that outlines conditions for complete "new and expanding industry" applications.

"There have been concerns raised by some citizens that the application was incomplete or deficient," County Attorney Pat Dringman said. "In light of those con-

What happened:

The Sweet Grass County Commissioners tabled a decision March 3 to re-host a wind abatement hearing for the Crazy Mountain Wind project.

What's next:

They will reopen discussion on the issue at 10:30 a.m. March 6 in the Commissioners Meeting Room.

cerns raised, we wanted to discuss this to give everyone an opportunity to consider information that has been issued."

The concern, he said, is that the commissioners noticed the original hearing after receiving an application for tax abatement which Marty Wilde of WINData, Inc., submitted to the DOR. Wilde later added information to the application up until the Feb. 20 hearing, reducing the time attendees had to review the materials.

"There was information trickling in until the day before and the day of the abatement hearing, information that was considered," Dringman said. "The statute says to publish upon receiving a complete application."

There is an administrative rule out of the DOR which outlines what should be included in an application for "new industrial property" and briefly mentions "new and expanding industrial property," Dringman said, but DOR officials say that it doesn't apply to this situation.

The DOR puts in little to no input on the applications for "new and expanding" because those projects don't affect state mills, he said. They only accept the applications and pass them on to the taxing jurisdiction.

Dringman recommended telling Wilde that these concerns were raised, giving him the opportunity to submit any final information and starting the notice process again.

He said he hadn't had any contact with Wilde since the abatement hearing last month, but that he sent an email about the March 3 meeting at which Crazy Mountain Wind representatives were not present.

"Are we just going through a process without Marty Wilde even planning on going forward with his project?" Commissioner Bob Faw asked. "It seems like we are kind of getting the cart ahead of the horse."

The Montana Public Service Commission declined Wilde's request for declaratory ruling last week after Wilde requested leeway in funding to allow large international banks to help fund his Community Renewable Energy Project. The commissioners have not heard whether the project will continue.

"It seems that before we divide the community any more, we should know," Faw added.

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Dringman said he believed it was important for the commissioners to follow through with the process, because they do have a pending application before them. Until that application is withdrawn, they need to continue with the process, he said.

Adjacent property owner Jan Engwis said he believed the commissioners had already followed the necessary procedure correctly, which gives them two options — either approve or deny the application on the March 10 deadline, or wait another 120 days and give Wilde the opportunity to either reapply or take court action to force a decision.

"It seems simple and obvious to me as a layman that you have followed the statute except that you haven't followed through with a decision," he said.

Faw said he felt the commission hadn't received enough information before the abatement and still feels it's lacking.

"There was not enough information for the public to come and participate as well as they should," he said. "I thought something this important should maybe go to a vote. It seems like if Marty was interested in this thing, he would be here."

Another landowner, Shirley Layne, pointed to a push prior to the hearing to postpone it due to lack of information, at which time the commissioners said it was Wilde's decision to move forward.

"If it was appropriate to go forward with it, knowing all of that originally, why has that changed? All the attorneys were in the room and the developer was in the room. I

just don't understand why it's different now," she said. "I understand it wasn't complete in some way, but it didn't seem to make a difference in that moment, so why does it make a difference now?"

Dringman said he disagreed that all the information was available at the time, adding that discussion was noticed as an impact fee discussion that got off topic.

"It's the taxing jurisdiction's responsibility to notice the hearing based on statute," he said. "To me, it seems to put form over substance to deny it and tell them to reapply rather than saying, 'I think we need to re-notice it based on the complete application now.'"

Commissioner Chair Bill Wallace said he didn't think the Crazy Mountain Wind application was all that different from a 2012 application

from Kelly Hills.

"That doesn't mean we did it right with Kelly Hills," Dringman said. "Doing it wrong in the past doesn't give us any leeway."

Faw asked Dringman to contact Wilde and discern if the project is moving forward based on the public service commission denial and again expressed disappointment in not being able to speak to Wilde directly during the meeting.

Commissioner Susie Moseness moved to table the decision until 10:30 a.m. March 10 after Dringman had time to gather more information. Wallace seconded the motion and it passed in a 2-1 vote with Faw dissenting.

"I think we need to start all over," Faw said. "Personally, I think the public wasn't involved."

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