

County Commission

## GALLATIN COUNTY

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August 05, 2008

Broadwater County Commission  
515 Broadway Street  
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Dear County Commissioners,

We received your letter regarding the Pogreba Field Airport Regulation (Regulation) and want to thank you for opening dialogue between our Counties on this issue. We apologize for not doing so earlier. First, we would like to state that this Regulation does not in any way zone or affect any property in Broadwater County. As Broadwater County is beyond the jurisdictional boundaries of both Gallatin County and the City of Three Forks, the Airport Affected Area map shows dotted/dashed lines indicating that the areas in Broadwater County shall not be affected by the proposed Regulation. The dotted/dashed lines suggest what the airport affected area in Broadwater County might look like, if Broadwater County adopted the same Regulation and completed the dotted oval.

Please allow us to provide a brief history of the Pogreba Field Airport and the draft Regulation:

The Pogreba Field Airport is a County-owned airport that resides partially in the county and partially within the city limits of Three Forks. The Gallatin County Airport Board (Airport Board) governs this airport which asked us to create a separate board, in conjunction with the City of Three Forks, whose responsibility would be to draft regulations required by the Federal Aviation Administration (FAA), and Montana Code Annotated 67-1-101 et seq. This board, called the Pogreba Field Joint Airport Area Affected Regulation Board (PFJAAARB), was created in 2004 with two county-appointed positions, two city-appointed positions and one position appointed by the four appointees.

Montana's Association of Counties' Attorney, Myra Shultz, provided a model code of airport affected area regulations that provided a basic starting point for the Regulation. PFJAAARB recommended the draft to the City Council, who approved it and forwarded it to us for approval. Before we scheduled any adoption, we asked our County Attorney to review the document. (Since early 2006 the County Attorney's office has had new attorneys and some turnover delaying its review and recommendation to us for final approval). Early this year, Deputy County Attorney James Greenbaum, undertook the task of reviewing the model Regulation. Mr. Greenbaum worked with the airport engineer, Scott Bell, P.E. (Morrison-Maierle), and the PFJAAARB to streamline the model Regulation while maintaining compliance with the Montana Code Annotated and FAA's requirements.

On July 8, 2008, the enclosed Regulation and Map were approved by the PFJAAARB which has also recommended that the same be adopted by both the City of Three Forks and Gallatin County.

On July 22, 2008, The Three Forks City Council met during its regularly scheduled public hearing to consider adoption of this Regulation. Many county residents came to express their opposition. Mr. Greenbaum and Mr. Bell were present to answer the public's and Council's questions. Mr. Bell stated that although the map shows Broadwater County, the Airport Board does not have any jurisdiction over Broadwater County. He added that the FAA said that the airspace height restriction and flight path already exist; just not on paper yet. If the Regulation was adopted: Gallatin County proposes to have County Planning staff review proposed structures within the county-portion of the map, and have Three Forks City Planning staff review proposed structures within the city-portion of the map. Broadwater County, if interested in adopting the same Regulation and continuing the affected area, would have to determine who it would have to review proposed structures. If any staff member did not have enough information to determine allowance or disallowance based on the Regulation, ultimately the FAA would be the governing body for any final decision of a proposed structure within the red "Approach Surface," blue "Conical Surface" and the light blue "Horizontal Surface" (see enclosed map).

During the Council's meeting it was decided that the City's Ordinance Committee would work with City residents and County residents to provide further recommendations to the City Council and Gallatin County. The working group plans to meet some time in August, but no meeting date has yet been scheduled. We understand that the City Council intends to meet again sometime in September to hear the working group's recommendation.

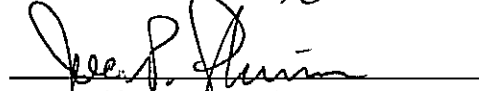
If Broadwater County would like to work with us and the City of Three Forks in adopting the proposed Regulation, or if you have any questions or concerns please contact Mr. Greenbaum at (406) 582-3757, or contact Scott Bell, PE at Morrison-Maierle (406) 587-0721 for any technical questions you might have. To attend the working group discussion or the hearing of the Three Forks City Council to hear the working group's recommendation, please contact the Three Forks City Office at (406) 285-3431. If you are interested in teaming up with Gallatin County to complete a Regulation that meets the FAA's minimum requirements to continue federal funding, as well as ensuring both county's residents' safety and property rights, then we encourage you to contact us.

Thank you and we look forward to any further discussion on this issue.

GALLATIN COUNTY COMMISSION



William A. Murdock, Chairman



Joe E. Skinner, Member



R. Stephen White, Member

CC: Mayor Townsend, Three Forks  
Scott Bell, P.E. Morrison-Maierle, Inc.  
Greg Sullivan, County Planning Director

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