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To: JoRill Jewett, Editor

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Three Forks Herald

After reading Mr. Fairhurst's Letter to the Editor of September 25, 2007, and other comments attributed to him in this and other local newspapers, Murray Ranch is compelled to respond to keep the issue in proper focus.

Mr. Fairhurst, secretary of the AAA (Airport Affected Area) Board-Three Forks Airport/Pogreba Field, categorized the Murray Ranch, Inc., letter of July 6, 2007, to the Gallatin County Commissioners as a "vicious attack on both the airport and safety concerns for the airport." Those who understand and support private property rights will view our letter as simply an attempt to preserve and protect the private property rights of Murray Ranch and every other property owner in Three Forks and surrounding area that is within the 20-square mile AAA.

Those who studied the proposed regulations understand that the regulations will restrict how private property can be used within the AAA which includes all land within the the city limits of Three Forks and land half-way to Willow Creek. Depending on if these proposed regulations are ever implemented and how they are enforced, the right to develop land near the airport into needed safe and affordable building sites for residential housing will also be restricted, if not outright prohibited, by provisions in the 26 pages of proposed regulations. In addition to restricting the use of every parcel of private property within the AAA, the immunity provision in the proposed regulations state, "After the designation of an AAA, a person may not recover damages from a local government, an airport authority, an airport operator, or an airport owner for any injury caused by noise, fumes, vibrations, light, or any other effects from normal and anticipated normal airport operations." When Mr. Fairhurst stated that the proposed regulations are "necessary to protect the airport and harm no one," and several others spoke in favor of the proposed regulations at the Three Forks City Council meeting on June 12, 2007, were they aware of this provision and several others that we found to be over-reaching and heavy-handed in this partially-completed 26-page document?

Contrary to the attitude conveyed in the proposed regulations and in Mr. Fairhurst's response to our concerns with the proposed regulations, we believe that residential housing and normal airport operations carried out in a responsible and considerate manner can be very compatible. We do not see the need for the newly appointed "Joint Airport Affected Area Regulatory Board" to initiate a pre-emptive strike against its neighbors to assure continuation of normal airport operations at this recreational airport located adjacent to, and "within walking distance," to Three Forks. Instead, the newly-appointed board needs to focus its attention on developing needed and meaningful regulations

to prevent the erection of towers and other fixed structures that create a hazard to small aircraft, their pilots and passengers, and property and people within the AAA.

The stated intent of the proposed regulations was to protect “the public” (and “the public” should be viewed as being much broader than just aircraft operators and their passengers) from crashes that may result from erection of towers and structures, and the growth of trees, in excess of 50 feet in height. If this is the true intent of the proposed regulations, then a short and to-the-point set of regulations could accomplish this goal. The 26-page document appears to be required only if the intent of the proposed regulations is to restrict the use of adjacent land to such an extent that building sites cannot be developed, and dwellings cannot be constructed, in a legal or economical manner.

Our letter to the Gallatin County Commissioners, with copies to the Gallatin County Attorney, Gallatin Airport Board, and the Mayor of the City of Three Forks address our concerns with the proposed regulations. Our letter is likely available for review at these locations. It is also available on our web site www.milligancanyon.com. We encourage that Herald readers read our letter to the County Commissioners. Each reader will then have information on which to decide if our letter is a “vicious attack on both the airport and the safety concerns for the airport” or if it is a carefully drafted letter that seeks assistance in protecting and preserving private property rights of Murray Ranch land that is in the process of being developed into needed safe and affordable building sites, and the private property rights of all other parcels within the city limits of Three Forks and other land parcels within the AAA. The letter from our ranch attorney, Art Wittich, to the City of Three Forks is also available for review at our web site listed above.

To conclude, verbal representations made by the proponent(s) of the proposed regulations that they pertain only to towers, structures and trees in excess of 50-feet in height, and that they “harm no one,” do not represent what is printed in the 26 pages of partially-completed proposed regulations that were approved by the Three Forks City Council and referred on to the Gallatin County Commissioners. The verbal representations also do not reflect the potential for provisions in the regulations to confiscate personal property rights without compensation and to depress the market value of land parcels within the AAA.

William D. Crowley, Ph.D.

Secretary, Murray Ranch, Inc.