



U.S. Department
of Transportation

**Federal Aviation
Administration**

Northwest Mountain Region
Colorado, Idaho, Montana
Oregon, Utah, Washington,
Wyoming

2200 S. 216th Street
Des Moines, WA 98198

Mr. Westley E. Shook III
PO Box 532
748 West Willow
Bluff, UT 84512-0532

Dear Mr. Shook:

Subject: Freedom of Information Act (FOIA) Request 2023-05671

This is a Northwest Mountain Region, Airports Division no records response to your FOIA request, dated April 22, 2023. You requested a copy of FAA Form 7480-1 submitted by Desert Rose Inn, LLC in Bluff, Utah.

The Airports Regional Office and the Denver Airports District Office (ADO) conducted a records search on May 2, 2023. However, we were not able to locate any records or files pertaining to your specific request, or any filings for a heliport in the area at any time during 2022 and up through April 15, 2023.

Your request qualifies for the “All Other” fee category, whereby you will not be charged for the first 2 hours of search time, any review time, and the first 100 pages of documents. There is no charge to you for processing this request because the cost was less than \$25.00.

The undersigned is responsible for this no records determination. Should you consider this an inaccurate response of your request, you may request reconsideration of this determination by writing to the Assistant Administrator for Finance and Management (AFN-140), Federal Aviation Administration, 800 Independence Avenue, SW, Washington DC, 20591 or through electronic mail at: FOIA-Appeals@faa.gov. Your written request must be made within 90 days from the date of this letter and must include all information and arguments relied upon. Your letter must also state that it is an appeal from the above-described denial of a request made under the FOIA. The envelope containing the appeal should be marked “FOIA Appeal.”

You also have the right to seek assistance from the FAA FOIA Public Liaison via phone at (202) 267-7799 or email at 7-AWA-ARC-FOIA@faa.gov noting FOIA Public Liaison in the Subject or

the Office of Governmental Information Services at <https://ogis.archives.gov>, via phone (202-741-5770/toll free—1-877-684-6448; fax—202-741-5769), or email ogis@nara.gov.

If you have questions please contact Barbara Sordahl, Airports Division FOIA Coordinator at (206) 231-4106.

Sincerely,

William C. Garrison
Director, Airports Division
Northwest Mountain Region

RE: PFC Application: 20-07-C-00-HLN

In accordance with 49 United States Code (U.S.C.) 40117 and section 158.30, the Federal Aviation Administration (FAA) acknowledges your notice of intent to impose a passenger facility charge (PFC) at the Helena Regional Airport (HLN) and to use PFC revenue at HLN.

The authority to impose a PFC is contingent on your continued compliance with the terms of 49 U.S.C. 40117, 14 Code of Federal Regulations (CFR) Part 158 and any conditions included in this letter. Your notice of intent submitted on July 13, 2020 has been assigned the following PFC number: 20-07-C-00-HLN.

The FAA does not have any particular objections to your proposed projects, nor your notice of intent. The FAA acknowledges that you will begin collecting a PFC for HLN, at a \$4.50 PFC level on June 1, 2023 and complete your collections on October 1, 2027. Furthermore, the FAA acknowledges that you will collect a total of \$4,288,767 in PFC revenue for the projects identified below.

<u>Num.</u>	<u>Project Title</u>	<u>PFC Level</u>	<u>Type</u>	<u>Status</u>	<u>Approved PFC</u>
001	Runway 9-27 rehab / runway 5-23 decommission (design).	\$4.50	C	Acknowledged	\$67,600
002	Runway 9-27 rehab / runway 5-23 decommission (construction).	\$4.50	C	Acknowledged	\$1,255,957
003	Terminal expansion.	\$4.50	C	Acknowledged	\$2,933,766
004	Rehabilitate ARFF Training Center.	\$0.00	C	Withdrawn	\$0.00
005	ARFF communication system rehabilitation.	\$4.50	C	Acknowledged	\$19,444
006	PFC Program consulting.	\$4.50	C	Acknowledged	<u>\$12,000</u>
				Total	\$4,288,767

The public agency did not receive any disagreements resulting from their public notice and carrier consultation meeting.

The FAA also acknowledges your proposal to exempt that class of air carrier defined as 'Non-scheduled Air Taxi/Commercial Operators with enplanements totaling no more than 1% of the total number of passengers enplaned annually at the Helena Regional Airport' from the requirement to collect the PFC. We request that you notify the carriers in each excluded class, which were listed in your notice of intent, of their exemption.

All public agencies collecting PFC's are subject to reporting, recordkeeping, and auditing requirements as described in Part 158, Subpart D (section 158.61 et. seq.). Specifically, you are reminded that, pursuant to 158.67(c), at least annually during the period the PFC is collected, held or used, each public agency shall provide for an audit of its PFC account. After completion of your audit, please provide the ADO a copy of the audit.

The charge-effective date must be the first day of the month and must be at least 30 days from the date of this letter. We request that you provide a copy of your notice to the FAA when you notify the air carriers and foreign air carriers to begin collecting PFC's. Also, you are responsible for coordinating any construction with the appropriate federal offices, as you would with any non-

federally funded construction.

Be advised, section 158.33(a)(1) requires you to implement your concurrent impose and use projects, that the FAA has not objected to, within 2 years of the date of this letter. Section 158.33(a)(1) requires the public agency to begin implementation of a project no later than 2 years after receiving clearance to use PFC revenue on that project.

Also be advised, that the ability to collect on this application is governed by either the charge-expiration date, noted above, or when full collection authority (PFC collections plus interest) is reached - whichever comes first. Therefore, it is important to monitor your rate of collection.

A decision summary table showing the cumulative history of PFC decisions for HLN is enclosed for your use. We have also enclosed the list of advisory circulars with which you must comply in accordance with your certification of assurance number 9, standards and specifications.

Also, you may wish to check out our website to confirm whether this action has been recorded on the 'PFC Approved Locations, Collections, and Expiration Dates' report. It is generated each month, and is located at: www.faa.gov/airports/pfc/monthly_reports.

If you have any questions, please contact Ms. Nancy Kriston at the Helena Airports District Office, at (406) 541-5410.

Sincerely,

Christopher Schaffer, Manager
Planning, Environmental, and Financial Programs Branch
Northwest Mountain Region

Enclosures

Decision Summary Report

Application Number	Approved for Collection	Approved for Use
92-01-C-00-HLN*	\$1,056,189	\$679,907
92-01-C-01-HLN	(93,360)	152,896
92-01-C-02-HLN	914,174	(20,800)
92-01-C-03-HLN	0	0
92-01-C-04-HLN	72,095	65,343
96-02-U-00-HLN*	0	130,026
96-02-U-01-HLN	0	934,974
96-02-U-02-HLN	0	0
96-02-U-03-HLN	0	6,752
03-03-C-00-HLN*	2,336,432	2,336,432
03-03-C-01-HLN	601,746	601,746
03-03-C-02-HLN	445,197	445,197
08-04-C-00-HLN*	893,513	893,513
08-04-C-01-HLN	(37)	(37)
16-05-C-00-HLN	906,451	533,951
16-05-C-01-HLN	783,358	0
18-06-C-00-HLN	65,000	1,220,858
20-07-C-00-HLN	4,288,767	4,288,767
REPORT TOTAL	\$12,269,525	\$12,269,525

*indicates a closed application