# Cash Register Receipt

Lewis & Clark County

**Receipt Number**
**R1488**

| DESCRIPTION | ACCOUNT | QTY | PAID |
|---|---|---|---|
| **PermitTRAK** | | | **$120.00** |
| **FLDP2019-008 Address: 2260 SIERRA RD E** | **APN: 05199534301010000** | | **$60.00** |
| **FLOODPLAIN DEVELOPMENT** | | | $60.00 |
| FLOODPLAIN DEVELOPMENT | 00100003231000 | 0 | $60.00 |
| **FLDP2019-009 Address: 2120 SIERRA RD E** | **APN: 05199533401010000** | | **$60.00** |
| **FLOODPLAIN DEVELOPMENT** | | | $60.00 |
| FLOODPLAIN DEVELOPMENT | 00100003231000 | 0 | $60.00 |
| TOTAL FEES PAID BY RECEIPT: R1488 | | | $120.00 |

Date Paid: Friday, March 29, 2019

Paid By: Vision Net Inc

Cashier: KR

Pay Method: CHECK 54045



TRAKIT

LEWIS & CLARK COUNTY

New Search | History | Payoff | Help

**Property Tax ID:** 25526

**Status:** Current

**Receipt:** 23422

**2018 Owner(s):**
STATE OF MONTANA
DEPT OF JUSTICE MT LAW ENFORCE ACADEMY

**Mailing Address:**
2260 SIERRA RD E
HELENA, MT 596028836

**Levy District:**
1O-14, Tax District 1O

**2018 Value:**

| | |
|---|---|
| **Market:** | $192,306 |
| **Taxable:** | $0 |

Detail

**2018 Taxes:** View Pie Charts

| | | | |
|---|---|---|---|
| **First Half:** | $306.97 | **Due:** | 11/30/2018 |
| **Second Half:** | $306.97 | **Due:** | 5/31/2019 |
| **Total:** | $613.94 | | |

Detail

**2018 Payments:**

| | |
|---|---|
| **First Half:** | $306.97 |
| **Second Half:** | $306.97 |
| **Total:** | $613.94 |

(May include penalty & interest)

**2018 Legal Records:**

**Geo Code:** 05-1995-34-3-01-01-0000 **Deed Book:** 91 **Page:** 285 **Date:** 1921-11-11

**Property address:** 2260 SIERRA RD E, HELENA MT 59602
**TRS:** T11 N, R03 W, Sec. 34
**Legal:** S34, T11 N, R03 W, tTR IN S2SW4

**Note:** The accuracy of this data is not guaranteed. Property Tax data was last updated 03/29/2019 11:00 AM.

Send Payments To:

316 North Park Ave. - Room #147
Helena, Montana 59623

tyler technologies

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HEBERLY&
ASSOCIATES
CONSULTING ENGINEERS

March 11, 2019

Paul N. Spengler
Lewis & Clark County
Disaster & Emergency Services Coordinator
221 Breckenridge Avenue
Helena, MT 59601

Re: Vision Net, Inc. – Helena MLEA Fiber Route
Floodplain Permit

Dear Paul:

On behalf of Vision Net, Inc., please find enclosed two (2) Floodplain Permits for the above-mentioned project.

If you have any questions or concerns, feel free to call me at (406)265-6741 or email me at kgustitis@heberlyeng.com.

Sincerely,

Heberly and Associates,

Keith Gustitis

Keith Gustitis

Enclosures

cc: Lee Kimmet

P.O. Box 1311 | 615 1st Street West, Suite A | Havre, Montana 59501 | Phone (406) 265-6741 | Fax (406) 265-6787

| Revised: 6/5/15 (310 form 270). Form may be downloaded from: www.dnrc.mt.gov/licenses-and-permits/stream-permitting | **AGENCY USE ONLY**: Application # _____ Date Received _____<br>Date Accepted _____ / Initials _____ Date Forwarded to DFWP _____ |
|---|---|

***This space is for all Department of Transportation and SPA 124 permits (government projects).***
Project Name _____
Control Number _____ Contract letting date _____
MEPA/NEPA Compliance ☐ Yes ☐ No If yes, #14 of this application does not apply.

RECEIVED
MAR 19 2019
LEWIS & CLARK COUNTY
Community Development & Planning

# JOINT APPLICATION FOR PROPOSED WORK IN MONTANA'S STREAMS, WETLANDS, FLOODPLAINS, AND OTHER WATER BODIES

**Use this form to apply for one or all local, state, or federal permits listed below. The applicant is the responsible party for the project** and the point of contact unless otherwise designated. **"Information for Applicant"** includes agency contacts and instructions for completing this application. To **avoid delays**, submit all required information, including **a project site map and drawings.** Incomplete applications will result in the delay of the application process. **Other laws may apply**.

**The applicant is responsible for obtaining all necessary permits and landowner permission before beginning work.**

| ✓ | PERMIT | AGENCY | FEE |
|---|---|---|---|
| X | 310 Permit | Local Conservation District | No fee |
| | SPA 124 Permit | Department of Fish, Wildlife and Parks | No fee |
| X | Floodplain Permit | Local Floodplain Administrator | Varies by city/county ($25 - $500+) |
| X | Section 404 Permit, Section 10 Permit | U. S. Army Corps of Engineers | Varies ($0 - $100) |
| | 318 Authorization<br>401 Certification | Department of Environmental Quality | $250 (318);<br>$400 - $20,000 (401) |
| | Navigable Rivers Land Use License, Lease, or Easement | Department of Natural Resources and Conservation, Trust Lands Management Division | $50, plus additional fee |

## A. APPLICANT INFORMATION

NAME OF **APPLICANT** (person responsible for project): Lee Kimmet, Vision Net, Inc.
Has the landowner consented to this project? ☒ Yes ☐ No
Mailing Address: 222 N 32nd Street, Suite #402, Billings, MT 59101
Physical Address: Same
Day Phone: 406-252-4617 Evening Phone: 406-252-4617 E-Mail: lee.kimmet@vision.net

NAME OF **LANDOWNER** (if different from applicant): Landowners affected by or adjacent to the floodplain interactions are listed in Attachment A.
Mailing Address:
Physical Address:
Day Phone: _ Evening Phone: _ E-Mail:

NAME OF **CONTRACTOR/AGENT** ): N/A
Mailing Address: N/A
Physical Address: N/A
Day Phone: N/A Evening Phone: N/A
E-Mail: N/A

## B. PROJECT SITE INFORMATION

NAME OF **STREAM** or **WATER BODY** at project location Prickly Pear Creek Nearest Town Helena
Address/Location: Helena MLEA Route Geocode (if available): Choose. SE 1/4 SE 1/4 SW 1/4,
Section 6 & 31,32,33,34 , Township 10N & 11N , Range 3W County Lewis and Clark Longitude Start: -112.021614; End: -111.974271 , Latitude Start: 46.653324; End: 46.661958

The state owns the beds of certain state navigable waterways. Is this a state navigable waterway? Yes or No. If yes, send copy of this application to appropriate DNRC land office – see Information for Applicant.

**ATTACH A PROJECT SITE MAP OR A SKETCH** that includes: 1) the water body where the project will take place, roads, tributaries, landmarks; 2) a circled "X" representing the exact project location. IF NOT CLEARLY STATED ON THE MAP OR SKETCH, **PROVIDE WRITTEN DIRECTIONS TO THE SITE.**

## C. PROJECT INFORMATION

1. **TYPE OF PROJECT** (check all that apply)

☐ Bridge/Culvert/Ford Construction
☐ Bridge/Culvert/Ford Removal
☐ Road Construction/Maintenance
☐ Bank Stabilization/Alteration
☐ Flood Protection
☐ Channel Alteration
☐ Irrigation Structure
☐ Water Well/Cistern
☐ Excavation/Pit
☐ Fish Habitat
☐ Recreation (docks, marinas, etc.)
☐ New Residential Structure
☐ Manufactured Home
☐ Improvement to Existing Structure
☐ Commercial Structure
☐ Wetland Alteration
☐ Temporary Construction Access
☐ Other _____
☐ Mining
☐ Dredging
☐ Core Drill
☐ Placement of Fill
☐ Diversion Dam
☒ Utilities
☐ Pond
☐ Debris Removal

2. **PLAN OR DRAWING** of the proposed project **MUST** be attached. **This plan or drawing must include**:

- a plan view (looking at the project from above)
- dimensions of the project (height, width, depth in feet)
- location of storage or stockpile materials
- drainage facilities
- an arrow indicating north
- a cross section or profile view
- an elevation view
- dimensions and location of fill or excavation sites
- location of existing or proposed structures, such as buildings, utilities, roads, or bridges

3. **IS THIS APPLICATION FOR** an annual maintenance permit? ☐ Yes ☒ No
(If yes, an annual plan of operation must be attached to this application – see "Information for Applicant")

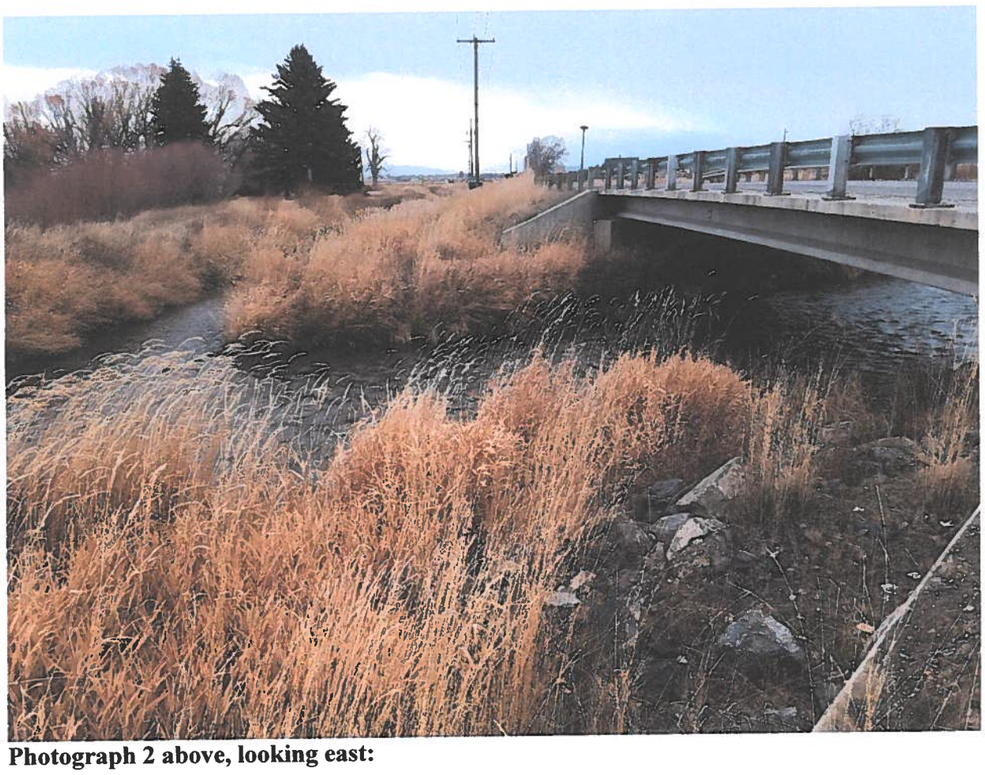
4. **PROPOSED CONSTRUCTION DATE.** Include a project timeline. Start date 5/1/2019
Finish date 11/30/2019 Is any portion of the work already completed? ☐ Yes ☒ No
(If yes, describe the completed work.)

5. **WHAT IS THE PURPOSE** of the proposed project?
**Vision Net Inc. is proposing to install a fiber optic system to provide reliable data communications to the Montana Law Enforcement Academy.**

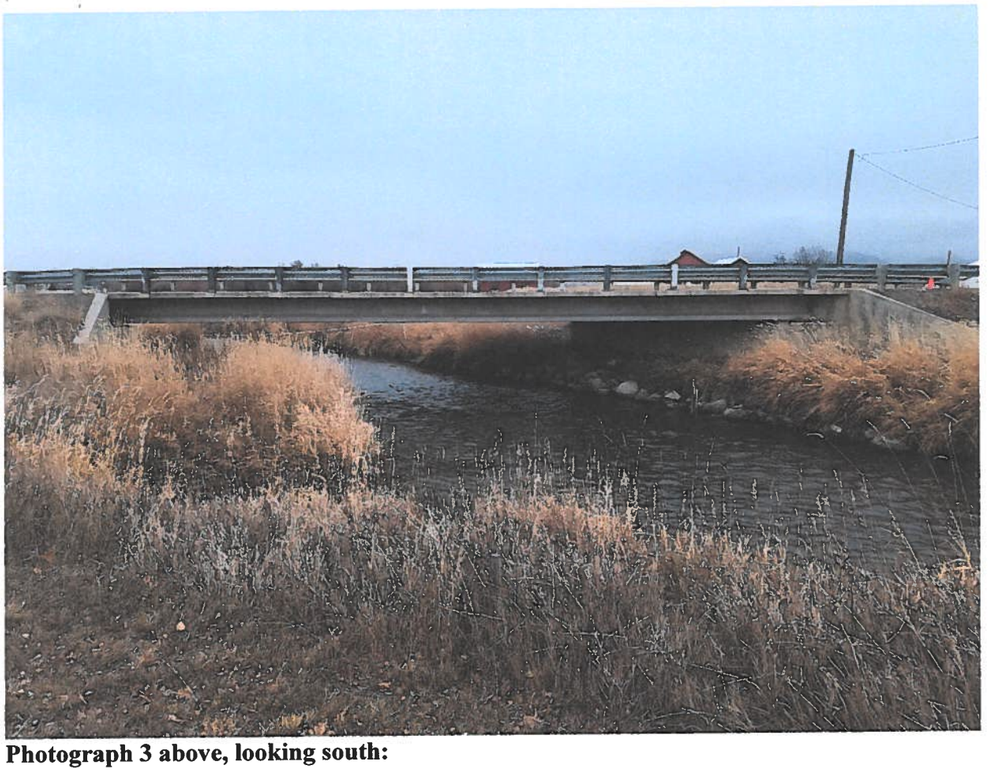
6. **PROVIDE A BRIEF DESCRIPTION** of the proposed project.
**The conduit will be placed beneath the bed of the stream by means of horizontal directional drilling (HDD). The HDD process involves drilling under the stream bed, pulling back a vacant 1.25" HDPE inner duct, and then placing the fiber cable within the inner duct. Of the 2.84 miles of cable, a total of 4602 feet of buried cable line will be located within the 100-year FEMA floodplain (3176 feet in Ten Mile Creek and 1426 feet in Prickly Pear Creek) in Lewis and Clark County. The cable route and floodplain interactions are shown on Figure 1.**

7. **WHAT IS THE CURRENT CONDITION** of the proposed project site? Describe the existing bank condition, bank slope, height, nearby structures, and wetlands.
**Banks are covered in tall native grasses and an occasional taller tree or shrub. All of the slopes are gradual and part of adjacent road bed. There is a concrete bridge over Prickly Pear Creek, south of the project corridor. Photographs 1-3, on the following pages, show the Prickly Pear creek intersection.**

**Photograph 1 above, looking west:**



**Photograph 2 above, looking east:**



**Photograph 3 above, looking south:**

8. **PROJECT DIMENSIONS.** How many linear feet of bank will be impacted? How far will the proposed project encroach into and extend away from the water body?
**Using the proposed method of installation, no creek bank will be disturbed during cable placement. The HDD and supporting equipment will work outside of the ordinary high water marks of both banks.**

**As shown on Figure 1, the floodplain interactions have the following characteristics:**

**There is a total of 4,602 feet of floodplain interaction in Lewis and Clark County**

- **4,602 feet of cable will be installed using the directional drilling method, (Note: The drilling entry/exit sites will be located above the riparian zone and outside sensitive zones. A profile drawing of the creek crossing is included in Attachment B.)**
- **The creek banks will not be impacted as the cable will be placed using the horizontal drilling process.**

9. **VEGETATION.** Describe the vegetation present on site. How much vegetation will be disturbed or covered with fill material during project installation? (Agencies require that only vegetation necessary to do the work be removed.) Describe the revegetation plan for all disturbed areas of the project site in detail.
**The vegetation along the Prickly Pear Creek drainage area is comprised of different varieties of brome grasses and brush. There will be no vegetation disturbed in the waterway or the banks of the waterway. The entry and exit points for the directional bore will be from 75 feet away up to a few hundred feet away from the bank of the waterway and cover a 10 ft by 10 ft area. Only vegetation required to complete the entry/exit sites will be removed or disturbed. The sod and top soil will be returned to the surface and bare ground will be sowed and monitored.**

10. **MATERIALS.** Describe the materials proposed to be used. Note: This may be modified during the permitting process. It is recommended you do not purchase material until all permits are issued.

**No fill material will be placed into or taken out of the Prickly Pear Creek channel, or anywhere within the ordinary high water marks. The boring sites will be re-contoured to match pre-existing conditions using the excavated material.**

11. **EQUIPMENT.** List all equipment that will be used for construction of the project. How will the equipment be used on the bank and/or in the water? Note: Make sure equipment is clean and free of weeds, weed seeds, and excess grease before using it in the water waterway. To prevent the spread of aquatic invasive species, to the extent practical, remove mud and aquatic plants from heavy machinery and other equipment before moving between waters and work sites, especially in waters known to be infested with aquatic invasive species. Drain water from machinery and let dry before moving to another location.

**A horizontal directional drill, along with supporting equipment will be used. The supporting equipment includes a drill truck with bentonite mud tanks and pumps, a vacuum truck or trailer, and a backhoe for digging receiving pits. None of this equipment will be operated on the banks or in the water.**

12. **DESCRIBE PLANNED EFFORTS TO MINIMIZE PROJECT IMPACTS.** Consider the impacts of the proposed project, even if temporary. What efforts will be taken to:

- Minimize erosion, sedimentation, or turbidity?

**No disturbance to the banks or creek bed. No equipment will operate within the high water marks of the creek. Drilling mud will be contained and prevented from flowing to the surface water. Vegetative buffer zones and surface roughening will be used to minimize erosion and reduce sediment transport outside of the high water marks.**

- Minimize stream channel alterations?

**No disturbance to the banks or creek bed. No equipment will operate within the high water marks of the creek. The creek channel and floodplain will be crossed using the directional drilling process.**

- Minimize effects to stream flow or water quality caused by materials used or removal of ground cover?

**No disturbance to the banks, construction will not be conducted within the Prickly Pear Creek channel. Drilling mud will be contained. Directional drill entry/exit sites will be kept as small as practicable to minimize vegetation disturbance. All areas of disturbance will be reseeded with approved native seed mix.**

- Minimize effects on fish and aquatic habitat?

**No disturbance to the banks or creek bed. No equipment will operate within the high water marks of the Prickly Pear Creek channel. Drilling mud will be contained from flowing to the surface water.**

- Minimize risks of flooding or erosion problems upstream and downstream?

**One of the major benefits of using this procedure is that no portion of the stream bed, bank, access points or approaches to the stream is disturbed. All operations are performed a distance from the waterway. All drilling performed is wet drilling which uses bentonite slurry for cooling, lubrication, and filler during the drilling and drawback portions of the operation. This drilling mud remains in the bore after the operation to fill any voids and seal the bore to any water flow.**

- Minimize vegetation disturbance, protect existing vegetation, and control weeds?

**The vegetation disturbance at the directional drill entry/exit sites will be minimized to the maximum extent practicable. Surface restoration will include refilling the hole with the removed material and reseeding. All areas of disturbance will be sowed with approved native seed mix and monitored to prevent weed growth.**

13. **WHAT ARE THE NATURAL RESOURCE BENEFITS** of the proposed project?

**The project will neither enhance nor degrade any natural resources.**

14. **LIST ALTERNATIVES** to the proposed project. Why was the proposed alternative selected?

**There were no alternatives reviewed, it is necessary to intersect the floodplain corridor to provide service to this customer.**

**D. ADDITIONAL INFORMATION FOR SECTION 404, SECTION 10, AND FLOODPLAIN PERMITS ONLY.**
If applying for a Section 404 or Section 10 permit, fill out questions 1-3. If applying for a floodplain permit, fill out questions 3-6. (Additional information is required for floodplain permits – See "Information for Applicant.")

1. Will the project involve placement of dredged (excavated) and/or fill material below the ordinary high water mark, in a wetland, or other waters of the US? If yes, what is the surface area to be filled? How many cubic yards of fill material will be used? Note: Wetland delineations are required if wetlands are affected.

**There will be no material removed or added to any portion of the waterway.**

2. Description of avoidance, mitigation, and compensation (see Information for Applicant). Attach additional sheets if necessary.

**The entire waterway and all water features will be completely avoided by boring under each one using a directional boring machine.**

3. List the names and address of landowners adjacent to the project site. This includes properties adjacent to and across from the project site. (Some floodplain communities require certified adjoining landowner lists).

**All installation is being done within public right-of-way: State Lands, MDOT right-of-way, and county right-of-way; but a list of adjacent landowners is included in Attachment A.**

4. List all applicable local, state, and federal permits and indicate whether they were issued, waived, denied, or pending. Note: All required local, state, and federal permits, or proof of waiver must be issued prior to the issuance of a floodplain permit.

**310-Lewis and Clark County Conservation District, pending; 404-USACE, pending; Lewis and Clark County, pending; MDOT, pending; State Lands utility easement, pending.**

5. Floodplain Map Number 30049C2161E

6. Does this project comply with local planning or zoning regulations? ☒ Yes ☐ No

**E. SIGNATURES/AUTHORIZATIONS -- Each agency must have original signatures signed in blue ink.**

**After completing the form**, make the required number of copies and **then sign each copy.** Send the copies with original signatures and additional information required directly to each applicable agency.

The statements contained in this application are true and correct. The applicant possess' the authority to undertake the work described herein or is acting as the duly authorized agent of the landowner. The applicant understands that the granting of a permit does not include landowner permission to access land or construct a project. Inspections of the project site after notice by inspection authorities are hereby authorized.

APPLICANT (Person responsible for project):
Print Name: Lee Kimmet

LANDOWNER:
Print Name: Not required

Signature of Applicant — Date: 3/13/2019

Not required
Signature of Landowner — Date

*CONTRACTOR/AGENT:
Print Name: N/A

N/A
Signature of Contractor/Agent — Date

*Contact agency to determine if contractor signature is required.

# Attachment A

## Vision Net, Inc. – MLEA Fiber Route

| Owner Name<br>Property Address | Mailing Address | | | |
|---|---|---|---|---|
| BAKER EARL R & BETTY J<br>1941 SIERRA RD E | 6225 N MONTANA AVE | HELENA | MT | 59602-6620 |
| BURNS BRADLEY W<br>2373 SIERRA RD E | 2373 SIERRA RD E | HELENA | MT | 59602-9145 |
| COCHRAN CHARLES W & JOYCE<br>1354 SIERRA RD E | 397 SIERRA RD W | HELENA | MT | 59602-6508 |
| DOLAN MARY L & TSCHIDA PAUL A<br>5570 N MONTANA AVE | 5570 N MONTANA AVE | HELENA | MT | 59602-6839 |
| EDENS WESLEY R | PO BOX 7569 | HELENA | MT | 59604-7569 |
| HELENA RV AND MOBILE HOME PARK LLC<br>5820 N MONTANA AVE | PO BOX 2396 | HAILEY | ID | 83333-2396 |
| HOLZER BRETT M &<br>1290 SIERRA RD E | 1290 SIERRA RD E | HELENA | MT | 59602-6676 |
| INTERMOUNTAIN DEACONESS CHILDRENS SERVICES | 500 S LAMBORN ST | HELENA | MT | 59601-5417 |
| KIM SMITH PROPERTIES LLC<br>5680 N MONTANA AVE | 7510 APPLEGATE DR | HELENA | MT | 59602-8195 |
| KLINE DOYLE<br>5530 N MONTANA AVE | 5530 N MONTANA AVE | HELENA | MT | 59602-6839 |
| LEWIS & CLARK COUNTY | 316 N PARK AVE | HELENA | MT | 59623-0001 |

# Attachment A

## Vision Net, Inc. – MLEA Fiber Route

| Owner Name<br>Property Address | Mailing Address | | | |
|---|---|---|---|---|
| MATHEWS TED & SHELLY<br>1372 SIERRA RD E & 1420 SIERRA RD E | 1420 SIERRA RD E | HELENA | MT | 59602-6644 |
| MCCURRY DONNIE & LESLIE<br>1368 SIERRA RD E | 9 GREENWOOD TRL | CLANCY | MT | 59634-9731 |
| MORGAN TIMOTHY JOHN & COLLEEN<br>1346 SIERRA RD E | 1346 SIERRA RD E | HELENA | MT | 59602-6642 |
| NEW LIFE LUTHERAN CHURCH<br>5980 N MONTANA AVE | 5980 N MONTANA AVE | HELENA | MT | 59602-6852 |
| PETERSON LEON E & SHARON ANN<br>1316 SIERRA RD E & 1322 SIERRA RD E | 1316 SIERRA RD E | HELENA | MT | 59602-6642 |
| SARKISYAN MANUK & LUCY LUSIK CO-TRUSTEE<br>1250 SIERRA RD E | 12022 WILLARD ST | NORTH HOLLYWO( | CA | 91605-1426 |
| SCHELL DAVID J & CARRIE A<br>1520 SIERRA RD E | 1520 SIERRA RD E | HELENA | MT | 59602-6646 |
| SCHMELTZER JOHN W & BETH I<br>1930 SIERRA RD E | 1920 SIERRA RD E | HELENA | MT | 59602-8834 |
| SCHMELTZER SAM<br>5908 N MONTANA AVE | 1920 SIERRA RD E | HELENA | MT | 59602-8834 |
| SCHOOL DISTRICT #1<br>1497 SIERRA RD E | 55 S RODNEY ST | HELENA | MT | 59601-5763 |
| SHEA JILL M | 6021 GOODWIN DR | HELENA | MT | 59602-6622 |

# Attachment A

## Vision Net, Inc. – MLEA Fiber Route

| Owner Name<br>Property Address | Mailing Address | | | |
|---|---|---|---|---|
| SHERMAN WILLIAM & PRISCILLA<br>1245 SIERRA RD E | PO BOX 574 | LOLO | MT | 59847-0574 |
| SIMMONS BARRY J & KELLY<br>1955 SIERRA RD E | 40 RIVER RUNS THRU LN<br>1955 SIERRA RD E | BONNERS FERRY | ID | 83805-5584 |
| SIMMONS BARY J & KELLY & DENNIS C<br>2015 SIERRA RD E | 40 RIVER RUNS THRU LN<br>2015 SIERRA RD E | BONNERS FERRY | ID | 83805-5584 |
| SMITH KORY & TRINNA<br>5894 N MONTANA AVE | 5915 BARNETT DR<br>5894 N MONTANA AVE | HELENA | MT | 59602-6808 |
| STATE OF MONTANA<br>2120 SIERRA RD E & 2260 SIERRA RD E | 2260 SIERRA RD E | HELENA | MT | 59602-8836 |
| TOCAS BARTOLOME<br>1480 SIERRA RD E | 1480 SIERRA RD E | HELENA | MT | 59602-6627 |
| TRYAN RICHARD L & LAURIE J<br>2225 SIERRA RD E | 2225 SIERRA RD E | HELENA | MT | 59602-8836 |
| U S WEST COMMUNICATION INC<br>5580 N MONTANA AVE | PO BOX 4065 | MONROE | LA | 71211-4065 |
| XIN LUCHENG LLC<br>1220 SIERRA RD E | PO BOX 11404 | BOZEMAN | MT | 59719-1404 |

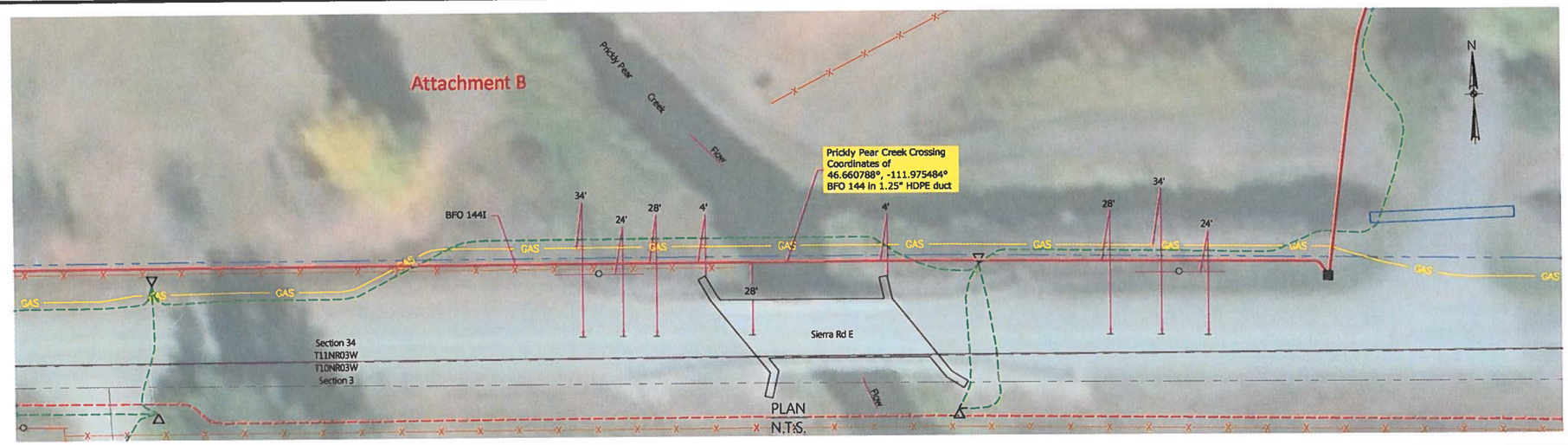
# PROPOSED BURIED TELECOMMUNICATIONS CROSSING PLAN AND PROFILE

**CAUTION**

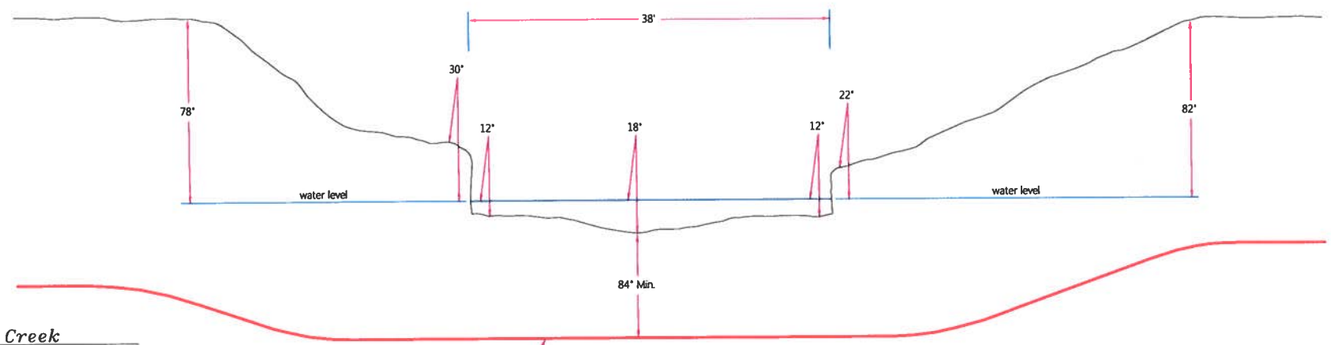
KNOWN UTILITY LINES ARE SHOWN IN APPROXIMATE LOCATIONS ONLY. ALL EXACT LOCATIONS ARE TO BE DETERMINED BY THE CONTRACTOR DURING CONSTRUCTION.

(ONE CALL – DIAL 811)

| | | | |
|---|---|---|---|
| Section: 34 | Heberly and Associates | Project: Helena Valley to MLEA | As-Staked Sheet No: 15A of 16 |
| Township: 11N | Staked By: KJC:bas Date: 11/13/18 | Exchange: Helena Market | Main Line |
| Range: 03W | Revised By: Date: | Company: Vision Net, Inc. | Fiber Link: |
| County: Lewis & Clark | Revised By: Date: | Work Order No. | Map Reference: |



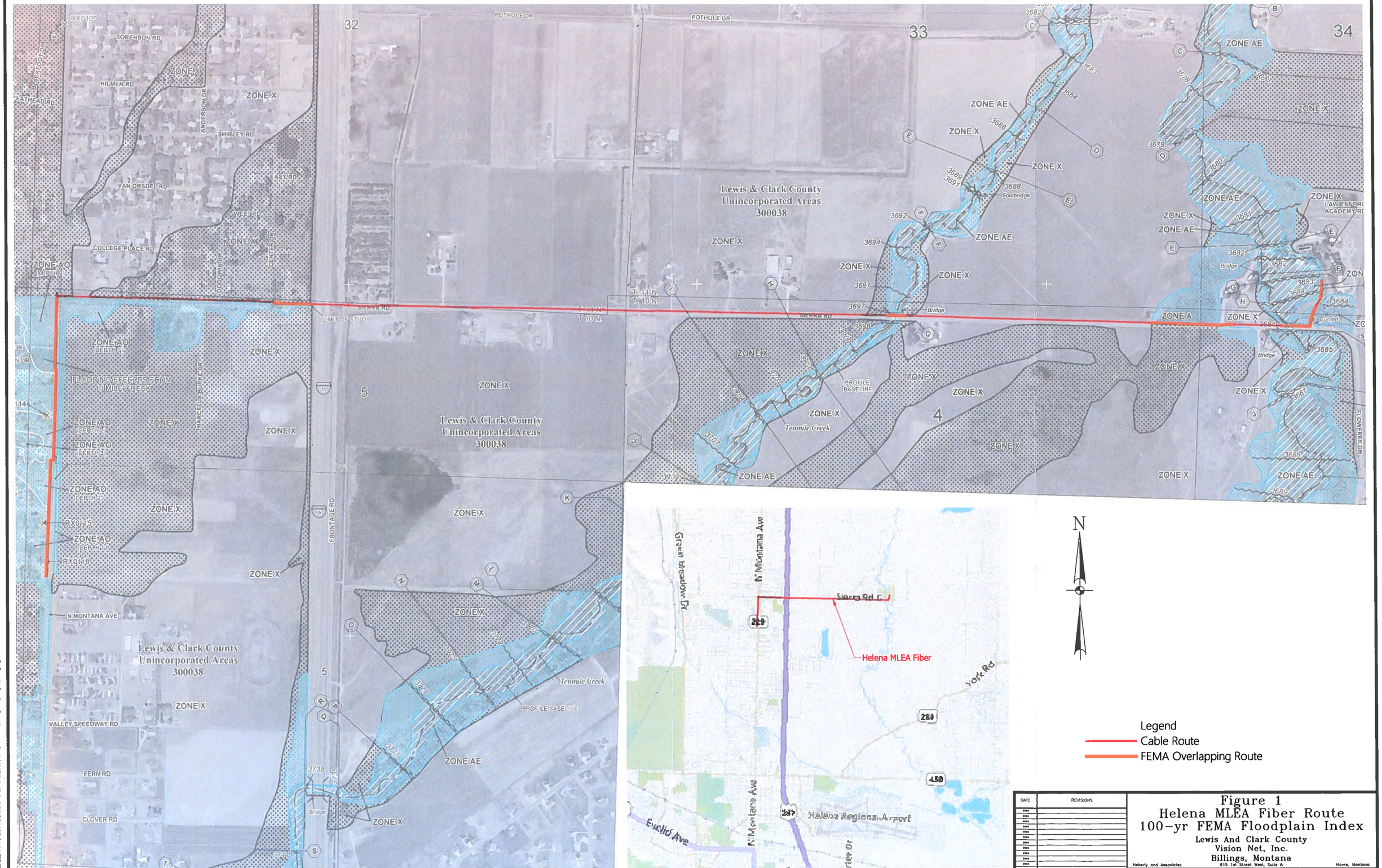

PLAN
N.T.S.




PROFILE
N.T.S

CROSSING Prickly Pear Creek
LOCATION SE SW4 SW4 Section 34
MILE POST N/A
PROJ NO. N/A
PICTURE NO.

3/4/2019 10:19 AM Z:\Telephone\VISION NET\2018\02_Staking_Sheets\02_AL_Staked\HEL_Valley_MLEA_Staking.dwg 15A\OP16 Keith Gustitis




| DATE | REVISIONS |
|---|---|
| | |

# Figure 1
## Helena MLEA Fiber Route
## 100-yr FEMA Floodplain Index

Lewis And Clark County
Vision Net, Inc.
Billings, Montana

Heberly and Associates — 815 1st Street West, Suite A — Havre, Montana

| Drawn by: | Date: | CAD Dwg Name: | Layout Name: | Scale - |
|---|---|---|---|---|
| KJG | 2/28/2019 | MLEA Floodplain Maps.dwg | Figure1 | NTS |

3/5/2019 2:22 PM T:\Vision Net\Helena Verizon Sites\2019\ROW\Floodplain\MLEA_Floodplain_Maps.dwg Figure1 Keith Gustitis