LEWIS AND CLARK COUNTY
Community Development and Planning Department
Environmental Services Division
316 NORTH PARK, ROOM 230
HELENA, MT 59601
(406) 447-8374

COMPREHENSIVE PERMITTING FORM

Primary Contact: David Anaya
(Please Print) Daytime Telephone: 431-1799
Mailing Address: 4005 Buoy Blvd City: Helena State: MT Zip: 59602
Email Address: terri_anaya@yahoo.com
Property Owner(s): David Anaya - Anaya Living Trust
Mailing Address: 4005 Buoy Blvd City: Helena State: MT Zip: 59602
Email Address: terri_anaya@yahoo.com

Property Address: 5995 Barnett Dr City: Helena State: MT Zip: 59602

NOTE: An address must be applied for and assigned to your property (if you have not had one previously assigned).

Lot/Tract Size: 102' x 100.7' Subdivision Name (if applicable): Barnett Addition
Lot/Tract No: 3 TAX CODE: 2000012472 Section: 06 Township: 10 N Range: 03 W

Description of Existing Improvements and All Structures:

Description of Proposed Project: New construction/residential home

I, ____________________________, the Primary Contact, hereby acknowledge that the information supplied with this Comprehensive Permitting Form is correct and reflects the current land use at the property address identified above. I further acknowledge that any permit application I submit will require the submission of all documentation regarding easements, setbacks, covenants, zoning, and any other applicable restrictions that may affect the property. I further acknowledge that failure to abide by any easement, setback, covenant, zoning, or any other applicable restriction that may affect the property without prior approval from the proper authority (county, state, federal) may result in the revocation of the permit, the denial of a permit, the removal or disconnection of the improvement, and/or an increase in permit fees.

Primary Contact Signature: ____________________________ Date: ____________

FOR OFFICE STAFF ONLY

COS No: ____________ FINAL PLAT No: ____________ DEED No: ____________ CPF

Rev: May 2017
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.

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

A. APPLICANT INFORMATION

NAME OF APPLICANT (person responsible for project):  David Anaya

Has the landowner consented to this project?  Yes [ ]   No [ ]

Mailing Address:  4005 Buoy Blvd  Helena, MT 59602

Physical Address:  4005 Buoy Blvd  Helena, MT 59602

Day Phone:  431-1799  Evening Phone:  431-1799  E-Mail:  terri.anaya@yahoo.com

NAME OF LANDOWNER (if different from applicant):

Mailing Address:  4005 Buoy Blvd  Helena, MT 59602

Physical Address:  4005 Buoy Blvd  Helena, MT 59602

Day Phone:  431-1799  Evening Phone:  431-1799  E-Mail:  terri.anaya@yahoo.com

NAME OF CONTRACTOR/AGENT (if one is used):

Mailing Address:  

Physical Address:  

Day Phone:  

Evening Phone:  

E-Mail:  

B. PROJECT SITE INFORMATION

NAME OF STREAM or WATER BODY at project location:  None

Nearest Town:  Helena

Address/Location:  5995 Barnett Dr, Ne 1/4 1/4 - 1/4, Section 6, Township 114, Range 3 West County Lewis & Clark

Longitude:  46.2110186,  Latitude:  -110.255826

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

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)
   - a cross section or profile view
   - dimensions of the project (height, width, depth in feet)
   - an elevation view
   - location of storage or stockpile materials
   - dimensions and location of fill or excavation sites
   - no materials being stockpiled
   - location of existing or proposed structures, such as
   - an arrow indicating north
   - 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 1/12/2020
   Finish date 6/2/2020
   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?
   - demolition & removal of mobile home
   - new Residential home
   - removal an older existing mobile home
   - new construction of a residential home

6. PROVIDE A BRIEF DESCRIPTION of the proposed project.

7. WHAT IS THE CURRENT CONDITION of the proposed project site? Describe the existing bank condition, bank slope, height, nearby structures, and wetlands.
   - level piece of property
   - N/A existing septic and drainfield

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?
   - the project is not near any waterbody or way
   - The project is within an A0 zone
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.

N/A There is no vegetation
building a new home not near any streams or waterways/wetlands will be reseeded with grass or sod

10. **MATERIALS.** Describe the materials to be used and how much.

<table>
<thead>
<tr>
<th>Cubic yards/Linear feet</th>
<th>Size and Type</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 yards top soil for exterior tram site</td>
<td>N/A building a new home not near any streams or waterways</td>
<td>N/A using existing onsite material</td>
</tr>
</tbody>
</table>

11. **EQUIPMENT.** What equipment is proposed to be used for the work? Where and how will the equipment be used on the stream bank and/or the waterbody?

N/A  There are no waterbodies or stream banks
backhoe, skidsteer + track hoe + Forklift. This is normal for a new construct

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?

N/A building a new home not near any streams or waterways

- Minimize stream channel alterations?

N/A building a new home not near any streams or waterways

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

N/A building a new home not near any streams or waterways

- Minimize effects on fish and aquatic habitat?

N/A building a new home not near any streams or waterways

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

N/A building a new home not near any streams or waterways

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

N/A There are no noxious weeds at the property site

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

N/A new residential home not near any streams or waterways

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

N/A new residential home with a raised crawl space not near any streams or waterways

N/A using the old footprint of previous mobil home
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 fill material below the ordinary high water mark, 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: A delineation of the wetland may be required. No

   building a new home not near any streams or waterways/wetlands

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

   N/A

   building a new home not near any streams or waterways/wetlands

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).

   Trevor Hoffman - 5990 Barnett Dr., Helena, MT 59602
   Rose Kurth - 5985 Barnett Dr., Helena, MT 59602
   Jonathan Smith - 1035 Sirra Rd., Helena, MT 59602

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.

   No other permits required. See attached documents

5. Floodplain Map Number 300R2142E

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 possesses 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.

   APPLECTANT (Person responsible for project):
   Print Name: David Anaya
   Signature of Applicant
   Date 12/16/19

   LANDOWNER:
   Print Name: Anaya Living Trust
   Signature of Landowner
   Date

   *CONTRACTOR/AGENT:
   Print Name:
   Date

   Signature of Contractor/Agent
   Date

   *Contact agency to determine if contractor signature is required.
Hi David,

Thank you for contacting DEQ with your questions regarding the Joint Application for Proposed Work in Montana’s Streams, Wetlands, Floodplains, and Other Water Bodies. As I understand from our conversation, you are planning a new home construction project at 5995 Barnett Drive, in Helena Montana. You will not be working in state waters for this project, therefore you do not need a 318 authorization or a 401 Certification for this project.

Good luck with the work!

Thanks,

Keenan Storror
401/318 Coordinator
P: (406) 444-2734
1520 E. 6th Ave.
Helena, MT 59601
January 9, 2020

To Whom It May Concern:

RE: new home construction at 5995 Barnett Dr., Helena, MT

On January 3, 2020 @ 11:25 am, I spoke with Tracy who is representing and employed by Montana Dept of Fish, Wildlife & Parks. Per my conversation with Tracy, SPA 124 Permit is not required for private citizens.

If you have any questions, please feel free to contact her at the following telephone number. (406) 444-2449.

Regards,

[Signature]

David Anaya
310 and DEQ's 318

From: Chris Evans (lccd@mt.net)
To: terrianaya@yahoo.com
Date: Tuesday, December 31, 2019, 10:56 AM MST

Good morning! As per our phone call this morning about the property at 5995 Barnett Drive in Helena, a 310 Permit from the Conservation District is NOT required.

For the 318 Authorization, you’ll need to contact the DEQ permit person. I can’t remember his name (he’s newer) but his number is 406-444-2734. I think it’s Keenan, but not positive.

If you need anything more from me, just let me know.

Chris Evans
District Administrator
Lewis & Clark Conservation District
790 Colleen Street
Helena MT 59601

406.449.5000 x5
www.lccd.mtnacdnet.org
January 9, 2020

RE: DNRC
   Navigable Rivers Land Use License/Easement
   new home construction at 5995 Barnett Dr. Helena, MT 59602

To Whom It May Concern:

Per my conversation with Montana Department of Natural Resources and Conservation (DNRC), the proposed project is not on a navigable waterway, therefore, no license is required.

Regards,

David Anaya
4005 Buoy Blvd.
Helena, MT 59602
(406) 431-1799
REQUEST FOR CORPS JURISDICTIONAL DETERMINATION (JD)
U.S. ARMY CORPS OF ENGINEERS, OMAHA DISTRICT

The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced below. Note: Submission of requested information is voluntary; however, if information is not provided, the request for an AJD cannot be evaluated nor can an AJD be issued.

1. PROPERTY LOCATION:
   Street Address: 5995 Barnet Dr.
   City/Township/Parish: Helena
   County: Lewis Clark State: MT
   Acreage of Parcel/Review Area for JD:  
   Section:  Township:  Range:  
   Latitude: 41.6560186 Longitude: -112.0558206
   (For linear projects, please include the center point of the proposed alignment.)

2. REQUESTOR CONTACT INFORMATION:
   Typed or printed name: David Anaya
   Company name: A to Z Productions
   Street Address: 4005 Buoy Blvd
   City: Helena State: MT Zip: 59602
   Daytime phone no.: 406-431-1749
   Email address: terrianaya@yahoo.com

3. MAP: Please attach a survey/plat map and vicinity map identifying location and review area for the JD

4. REASON FOR REQUEST (check as many as applicable):
   ☐ I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps, and the JD would be used to avoid and minimize impacts to jurisdictional aquatic resources and as an initial step in a future permitting process.
   ☐ I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps; this request is accompanied by my permit application and the JD is to be used in the permitting process.
   ☐ I intend to construct/develop a project or perform activities in a navigable water of the U.S. which is included on the district Section 10 list and/or is subject to the ebb and flow of the tide.
   ☐ A Corps JD is required in order to obtain my local/state authorization.
   ☐ I intend to contest jurisdiction over a particular aquatic resource and request the Corps confirm that jurisdiction does/does not exist over the aquatic resource on the parcel.
   ☐ I believe that the site may be comprised entirely of dry land/upland.
   ☐ Other:  

5. TYPE OF DETERMINATION BEING REQUESTED:
   ☒ I am requesting an approved JD
   ☐ I am requesting a preliminary JD
   ☒ I am requesting a "no permit required" letter as I believe my proposed activity is not regulated.
   ☐ I am unclear as to which JD I would like to request and require additional information.

6. OWNERSHIP DETAILS:
   ☐ I currently own this property.
   ☐ I plan to purchase this property.
   ☐ I am an agent/consultant acting on behalf of the requestor.
   ☐ Other (please explain):  

*Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332. Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District’s website and on the Headquarter’s USEACE website.

By signing below, you are indicating that you have the authority, or are acting as the duly authorized agent of a person or entity with such authority, to and do hereby grant Corps personnel right of entry to legally access the site if needed to perform the JD. Your signature shall be an affirmation that you possess the requisite property rights to request a JD on the subject property.

Signature:  
Date: 1-10-2020
ANAYA LIVING TRUST

Article One

Creation of Our Trust

Section 1. Parties

Our Trust Agreement, dated January 29, 2004, is made between DAVID ANAYA, the Husband Trustor, and TERRI ANAYA, the Wife Trustor, also known as TERRI LYN ANAYA (collectively referred to as "Trustors"), and the following Initial Trustees:

DAVID ANAYA
TERRI ANAYA

Section 2. Trust Name

Our Trust may be referred to as the:

ANAYA LIVING TRUST, dated January 29, 2004

The formal name of our Trust and the designation to be used for the transfer of title to the name of our Trust is:

DAVID ANAYA and TERRI ANAYA, Trustees, or their successors in trust, under the ANAYA LIVING TRUST, dated January 29, 2004, and any amendments thereto

Section 3. Our Trust is Revocable

Our Trust is a revocable trust. Our Trust is a grantor trust under the provisions of Sections 673-677 of the Code. Either the Husband Trustor's Social Security Number, 527-71-1728, or the Wife Trustor's Social Security Number, 527-91-6008, may be used as the tax identification number for our Trust.

Section 4. Trustors Acting as Trustees

Unless provided otherwise in our Trust Agreement, when either one or both of us are serving as Trustee under our Trust, that one or either of us may conduct business and act on behalf of our Trust without the consent of any other Trustee. Any Trustor acting under this Section may only deal with the other Trustor's Contributive Share in a fiduciary capacity.