



April 30, 2024

Matt Franke  
2217 Yaak River Rd  
Troy, MT 59935

**RE: Water Quality Complaint (CVID #25958)**

Dear Mr. Franke,

Recently, the Montana Department of Environmental Quality (DEQ) received a complaint alleging that you initiated construction activities in waters of the State without the required permits by damming a stream on your property to create a pond. The complaint further alleges that you have been excavating the pond to increase the size. DEQ has not validated the complaint at this time.

It is DEQ's policy to notify individuals when such complaints are received to provide information necessary to ensure one's awareness of Montana environmental laws. By providing this information, DEQ can assist individuals in complying with the law.

Please contact me by **May 11, 2024**, to discuss this complaint.

Below is information to ensure your awareness of pertinent Montana statutes and rules as applied to this complaint:

- Section 75-5-605(1)(a), MCA States it is unlawful to cause pollution of any state waters, or to place or cause to be placed any wastes where they will cause pollution of any state waters.
- Section 75-5-103(30)(a), MCA States "Pollution" means: contamination or other alteration of the physical, chemical, or biological properties of state waters that exceeds that permitted by Montana water quality standards, including but not limited to standards relating to change in temperature, taste, color, turbidity, or odor.

However, short-term water quality standards for turbidity resulting from stream-related construction activities or stream enhancement activities may be allowed by permit. A short-term turbidity permit "318 Permit" is required for any person, agency, or entity, either public or private, initiating a short-term activity that may cause unavoidable short-term violations of state surface water quality standards.

In summary, if you are planning to do work on or near a waterway in Montana, one or several permits may be required. Participating agencies created a Joint Application Form to help reduce the number of application forms that you need to complete to get the required permits. For detailed instructions on stream permitting please read the Stream Permitting Book which can be found at the following link:

<https://dnrc.mt.gov/licenses-and-permits/stream-permitting/>

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The joint application and application instructions for stream permitting may be found at the following link: [https://dnrc.mt.gov/\\_docs/permits-services/Stream-Permitting-Joint-Application.pdf](https://dnrc.mt.gov/_docs/permits-services/Stream-Permitting-Joint-Application.pdf)

Please reference **CVID 25958** on any future correspondence related to this complaint.

Sincerely,

A handwritten signature in black ink, appearing to read "Kfagerstrom".

Kristen Fagerstrom  
Environmental Enforcement Specialist  
Enforcement Program  
(406) 444-2711  
email: [kristen.fagerstrom@mt.gov](mailto:kristen.fagerstrom@mt.gov)

cc via email: Keenan Storrar, DEQ WPB  
Lincoln County Conservation District  
Lincoln County Environmental Health  
US Army Corps of Engineers