



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
HELENA REGULATORY OFFICE
10 WEST 15TH STREET, SUITE 2200
HELENA MT 59626

December 4, 2018

Regulatory Branch
Montana Regulatory Program
Corps No. NWO-2017-01818-MTH

Walter Wunsch
PO Box 36
Emigrant, Montana 59027

Certified Mail Return
Receipt Requested

NOTICE OF VIOLATION

Dear Mr. Wunsch:

This letter serves as a Notice of Violation for the unauthorized discharge of dredged or fill material in waters of the United States. The activity occurred within Golymeyer Creek and its abutting wetlands, approximately centered at Latitude 45.344232°, Longitude – 110.837355°, within Section 34, Township 5 S, Range 7 E, in Park County, Montana.

The agent (Walter Wunsch) authorized the following work that was completed on behalf of the Glastonbury Landowners Association in July of 2018. The description of the work completed was provided by the agent by email on August 13, 2018 and by a field visit between project manager Dylan Hickey and the agent on August 21, 2018.

Work Item	Description
a.	At approximate latitude 45.345430°, longitude -110.827584° the agent filled in approximately 120 linear feet of Golymeyer Creek and relocated the stream approximately 6 feet away from Hercules Road.
b.	At approximate latitude 45.346438°, longitude -110.831010° the agent filled in approximately 95 linear feet of Golymeyer Creek at two segments of the stream and relocated the stream approximately 6 feet away from Hercules Road.
c.	At approximate latitude 45.343168°, longitude -110.840504° the agent filled in approximately 120 linear feet of Golymeyer Creek and relocated the stream approximately 6 feet away from Hercules Road.
d.	At approximate latitude 45.342243°, longitude -110.845982° the agent filled in approximately 120 linear feet of Golymeyer Creek and relocated the stream approximately 6 feet away from Hercules Road.
e.	At approximate latitude 45.342140°, longitude -110.848026° the agent backfilled the new channel that formed during the floods of 2018.

Approximately 96 linear feet of Golymeyer Creek was stabilized with rock riprap and an approximately 72-foot long by 6-foot wide berm was constructed along the turn of the channel. An approximately 27-foot wide by 40-foot long gravel road was built to access the segment of the stream that work was completed upon. The agent indicated that this gravel road is going to be a temporary feature and the ground will be returned to its original contours.

The activity described above is regulated by the US Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act (33 U.S.C. 1344). The discharge of dredged or fill material into the waters of the United States required authorization from the Corps.

The Corps has no record of an authorization or exemption for the discharges, work, and/or structure described above. The implementing regulation for the Corps Regulatory Program is found in 33 CFR Parts 320-332.

Potential enforcement consequences, in addition to or in lieu of fines, penalties and imprisonment, include initial corrective measures, removal of the unauthorized discharges and/or structures and restoration of the site to pre-project conditions. The District Engineer, at their discretion, may recommend criminal or civil actions to enforce penalties for violations. In certain circumstances, an after-the-fact authorization may be appropriate to resolve unpermitted discharges, work and/or structures.

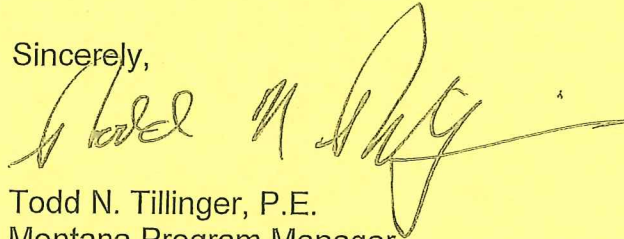
To ensure that all pertinent information is included in the public record, please provide any additional information that you feel is pertinent to this issue. At this time, the Corps is requiring that you provide the following additional information in writing by January 21, 2019:

1. There was no wetland delineation completed prior to the work that was completed. Identify the amount of wetlands that were impacted by the actions that were described above. How were these wetland calculations determined?

Contact this office to discuss resolution of this violation by January 21, 2019. Prompt coordination with this office and voluntary restoration of the site in accordance with a Corps-approved plan may avoid some or all additional enforcement consequences. However, restoration of the site or other work should not be initiated without specific written approval from the Corps.

Please refer to file number NWO- 2017-01818-MTH in correspondence concerning this matter. If you have any questions or would like to schedule a meeting, please contact Dylan Hickey at 10 West 15th Street, Suite 2200 Helena, Montana 59626-9705, by email at dylan.j.hickey@usace.army.mil or by telephone at (406) 441-1364.

Sincerely,



Todd N. Tillinger, P.E.
Montana Program Manager

Copy furnished:

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