

310 Law Mini Trainings: Complaints

When a conservation district receives a complaint about an alleged violation of the 310 law, they have a fiduciary responsibility to act on that complaint. The process for receiving complaints and acting on them is outlined in a conservation district's [Adopted Rules](#), Rule 18. In general, this includes contacting the alleged violator, arranging for a site investigation, notifying the alleged violator of the supervisors' decision, and proceeding to the violation procedure when determined to be a violation.

Complainants should submit details about the alleged violation to the conservation district using Form 274, the complaint form. As described in the Adopted Rules, this information should include the nature of the alleged violation, who is involved, where it is taking place, and when it occurred.

Frequently Asked Questions:

Q: Can a CD accept anonymous complaints?

A: While the CD is not required to collect personal information from a complainant, it is strongly encouraged because of the public's right to information, it helps to prevent neighborhood disputes, and if a violation goes to court that information will be needed.

Q: Who can submit a complaint?

A: While anyone can submit a complaint, we don't encourage supervisors or CD employees to try to become watchdogs for their community.

Q: Do complainants always have to use Form 274?

A: A district's Adopted Rules state that Form 274 will be used for complaints; however, a district is obligated to follow up on a complaint, even if Form 274 is not used.

Q: What if we don't know who the alleged violator is?

A: This is another reason to encourage the complainant to use Form 274. They need to provide the CD enough information about the alleged violation for the CD to act on the complaint.

Q: What if the landowner won't grant permission to access the property for a site investigation?

A: You cannot legally access their property without permission, but the district is still legally obligated to enforce the 310 law. If permission to access the property is not given, it may require the district to obtain a search warrant.

Q: Does a CD have to act on every complaint they receive?

A: Yes, the district has a fiduciary responsibility to act, either by investigating or by forwarding the allegation to the county attorney.