

## VIOLATION WORKFLOW SUMMARY

Step 1: Complaint	
1a: Complaint Received	Complainants should use form 274 and include name and contact information. However, if CD becomes aware of a violation, they have a duty to investigate. Anonymous complaints are strongly discouraged.
1b: Contact Alleged Violator	First contact can be by either phone or letter but should be documented.
1c: Letter 1 ( <b>Exhibit A</b> )	Used to notify the alleged violator that a field investigation will take place and that if a violation is occurring it must cease immediately.
Step 2: Verifying Violation	
2a: Field Investigation	May include a site visit, visual analysis from public access or adjacent property, or review of other proof presented such as pictures.
2b: Field Investigation Report	Investigator should compile a report for the board that includes all information gathered, the methods used to gather it, dates, and hours spent on the investigation.
2c: Violation Not Verified	If the field investigation does not verify a violation, send a second letter to both the alleged violator and the complainant advising them of the conservation district's findings.
OR	
2d: Violation Verified	If a violation is verified, the supervisors must decide what corrective action is needed and if a civil penalty is warranted at this point (continue to Chapter 3).
Step 3: Corrective Action	
3a: Civil Penalty Postponed	A CD may postpone assessing a civil penalty at their discretion, often in cases where the violator is cooperative or the violation is minor.
3a(i): Letter 2 ( <b>Exhibit B</b> )	If the CD does not wish to assess a civil penalty yet, send Letter 2 as certified mail.
3a(ii): No Response or Failure to Meet Deadlines	If the violator does not respond to Letter 2 or fails to meet the deadlines for corrective action, move to assessing a civil penalty (Step 3c).
OR	
3b: Civil Penalty Assessed	If the CD wishes to assess a civil penalty, they must issue an Order on the violation. If corrective action is taken, they may withdraw the civil penalty afterwards.
3b(i): Letter 3 ( <b>Exhibit C</b> ) and Order ( <b>Exhibit D</b> )	Send Letter 3 and the Order to the violator.
3b(ii): No Response or Failure to Meet Deadlines	If the violator does not respond to Letter 3, fails to take corrective action by the deadline, or fails to pay the civil penalty, proceed to Step 4: Judicial Enforcement.
Step 4: Judicial Enforcement	
4a: Contacting Legal Counsel	Notify County Attorney and the DNRC Stream Permitting Coordinator of the CD's intent to seek judicial enforcement.
4b: Report & Affidavit	The field investigator and anyone else involved should prepare a report for legal counsel, submitted as an affidavit, detailing the steps taken for enforcement and the costs associated with those steps.