

The background is a solid light blue color with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance. The text is centered on the page.

# 310 MINI TRAININGS

## COMPLAINTS



## **Hailey Graf**

Stream Permitting Coordinator  
Conservation Districts Bureau

**Phone :** (406) 437-4435

**Email:** [hailey.graf@mt.gov](mailto:hailey.graf@mt.gov)

WHAT  
WE'LL  
COVER...

Complaint Process Review

BMP for Accepting Complaints

Frequently Asked Questions



# COMPLAINT PROCESS

- Follow your Adopted Rules Process!!!
- Rule 18
  - Request that the complainant use form 274
  - Contact the alleged violator and request site inspection
  - Conduct site inspection and collect necessary information to make decision
  - Notification in writing of decision
  - If violation, follow violation process

The background is a solid blue color. In the top-left corner, there is a small yellow speech bubble icon. Scattered across the blue background are several translucent blue bubbles of various sizes, some with white highlights to give them a 3D effect. The text 'HOW TO ACCEPT A COMPLAINT' is written in a large, white, sans-serif font, centered vertically on the left side of the slide.

# HOW TO ACCEPT A COMPLAINT

- Adopted Rules
  - “The district and the applicants shall use the following forms... Form 274 – Official Complaint Form for a person to notify the district of an activity taking place without written consent of the supervisors.”



## FAQ 1:

Q: Can we accept anonymous complaints?

A: Short answer – yes. Long answer – You shouldn't.

## FAQ 2:

Q: Who can submit a complaint?

- A: Anyone can submit a complaint
  - Don't try to become watchdogs, but supervisors and employees can bring forward complaints

## FAQ 3:

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

A: This is another reason to require the complainant to use Form 274. They need to give you enough information about the alleged violation to be able to follow up on it.



## FAQ 4:

Q: What if the landowner won't give us permission to access their property?

A: You cannot legally access their property without permission, but the district is still legally required to enforce the 310 law. This may require obtaining a search warrant.

## FAQ 5:

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.

## FAQ 5:

Q: What if the alleged violator is someone other than the landowner?

A: The law states that any **person** initiating a project without written permission of the supervisors is in violation of the 310 law. That person does not have to be the landowner. Follow the complaint procedures as outlined in the Adopted Rules and if it is found to be a violation, the violator could be a contractor, lesee, or other entity.

# SUMMARY

- When in doubt, look to your adopted rules!