

NORTH CAROLINA NATURAL HERITAGE PROGRAM PROCEDURE
Request from Landowner for Confidentiality of Data

NCNHP staff designate Significant Natural Heritage Areas (SNHAs) and Element Occurrence Records (EORs) as a routine part of their work. Natural Heritage information is distributed in the form of GIS data (with attributes), Site Reports, and EORs. Landowners may provide written requests for NCNHP to remove information about their property from the NCNHP database and GIS maps or to refrain from distributing such data. Upon receiving a request to delete or otherwise constrain natural heritage data, the following procedure will be followed.

- 1) Staff will notify the Inventory Manager.
- 2) Inventory Manager will review the data, reports, and map(s), and other relevant information, such as current aerial photos, soil surveys, etc. and evaluate whether the natural heritage record should be revised or deleted or protected from distribution.
- 3) The recommendation of the Inventory Manager will be shared with the landowner and the recommended action will be implemented.
- 4) If, after the discussions with the Inventory Manager, the landowner does not agree the recommended action, the issue will be presented to the Natural Heritage Advisory Committee (NHAC) for their consideration pursuant to 15A NCAC 12H .0105(c)(1). While opinions of the advisory committee are not legally binding, NCNHP staff will defer to the decisions of the advisory committee unless superseding legal considerations dictate otherwise.
- 5) If the NCNHP cannot amicably resolve to delete or share the data to the satisfaction of the NCNHP staff and the landowner or land manager, the NHAC will present their findings to the Secretary.
- 6) If the Secretary cannot amicably resolve the decision to delete or include the data in the NCNHP records to the satisfaction of the landowner or land manager, the landowner may appeal the decision to the Office of Administrative Hearings in accordance with the North Carolina Administrative Procedure Act (GS 150B).
- 7) The need to modify or update reports such as county inventory reports will be evaluated on a case-by-case basis and new editions of reports will be developed as appropriate.
- 8) Records of discussions with the landowner will be kept in NCNHP files for staff reference. While not intended for broader distribution, such records may be subject to the North Carolina Open Records Act.

Approved:

Yvonne Bousell

Date:

September 4, 2013