



# Nature Preserves Commission

## Records Retention Schedule

Prepared by the State Records Branch  
Archives and Records Management Division  
Approved by the State Archives and Records Commission



This records retention schedule governs retention and disposal of records created, used and maintained by the Nature Preserves Commission. **Government records in Kentucky can only be disposed of with the approval of the State Archives and Records Commission (the Commission). If records do not appear on a Commission-approved records retention schedule, agencies should not destroy those records.** This agency-specific schedule was drafted by Nature Preserves Commission personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for Nature Preserves Commission to destroy the records listed, after the appropriate retention periods have passed.

Nature Preserves Commission personnel should use this agency-specific schedule in combination with the *General Schedule for State Agencies (General Schedule)*, also approved by the Commission. The *General Schedule* applies to records that are created, used and maintained by staff at all or most state agencies. Agency-specific retention schedules are used only by specific agencies and apply to records that are created only by a particular state agency, or to records that a state agency is required to retain longer than the approved time period on the *General Schedule*. The *General Schedule* and agency-specific retention schedule should cover all records for the Nature Preserves Commission.

This retention schedule applies to state agency records and information regardless of how it is created or stored. For example, information created and sent using e-mail is as much a public record as materials created or maintained in paper. Kentucky law defines public records, in part, as "documentary materials, *regardless of physical form or characteristics*, which are prepared, owned, used, in the possession of or retained by a public agency" (KRS 171.410[1]). This means that records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium. Records retention scheduling is important in developing, using, and managing computer systems and other electronic devices. Records management practices encourage cost-effective use of electronic media through accurate retention scheduling and legal destruction of records.

**All state government employees are responsible for maintaining records according to the retention schedule, whether those records are stored electronically or in paper. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods are met, regardless of the records storage medium.**

This retention schedule covers the content of records created by the Nature Preserves Commission, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

### **Audits and Legal Action**

Agency records may be subject to fiscal, compliance or procedural audit. If an agency should maintain records longer than the approved retention period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records that are subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records may also be involved in legal or investigative actions, such as lawsuits, administrative hearings or open records matters. These records must be retained at least until all legal or

investigative matters have concluded, regardless of retention period. This includes all appeals of lawsuits.

### **Vital Records**

Vital records are essential to the continued functioning of an agency during and after an emergency. Vital records are also essential to the protection of the rights and interests of an agency and of the individuals for whose rights and interests it has a responsibility. Vital records are identified in the retention schedule with a (V).

### **Confidential Records**

While all records created, used and maintained by government agency personnel are public records, not all of those records are open to public inspection. Whether a record is open to public inspection is determined by the state's Open Records laws and other relevant state or federal statutes and regulations. Restriction of public inspection of confidential records may apply to the whole record or only to certain information contained in the record.

Kentucky's public records are considered open for public inspection unless there is some specific law or regulation that exempts them. Agency personnel who believe certain records are confidential should submit a citation from Kentucky Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority. **State agency heads have the responsibility to know all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained by their agency and to see that those laws are enforced.** Even though a record series may or may not be marked confidential on a retention schedule, contradictory laws or regulations that are passed after the schedule has been approved must be honored.

### **Copies of Records**

Agency personnel often make copies of records for internal use or reference purposes. Agencies should designate one copy as the official copy and make sure it is retained according to the records retention schedule. Agencies can destroy all other copies when no longer useful.

### **Updating the Retention Schedule**

Per 725 KAR 1:010, the head of each state government agency is required to designate a member of his or her staff to serve as a records officer. The agency records officer represents that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.

## **Nature Preserves Commission**

The Kentucky State Nature Preserves Commission was created in 1976 and is governed by KRS 146.425. Its members are appointed by the Governor. The Commission protects Kentucky's natural heritage by identifying, acquiring and managing natural areas and working with others to protect biological diversity. It also educates Kentuckians as to the value and purpose of nature preserves and biodiversity conservation.

RECORDS RETENTION SCHEDULE

Signature Page

Nature Preserves Commission
Agency

June 9, 1994
Schedule Date

Unit

September 14, 2017
Change Date

September 14, 2017
Date Approved By Commission

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APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

[Signature]
Agency Head

8/18/17
Date of Approval

[Signature]
Agency Records Officer

8/9/17
Date of Approval

[Signature]
State Archivist and Records Administrator
Director, Archives and Records Management Division

9/14/17
Date of Approval

[Signature]
Chairman, State Archives and Records Commission

9/14/17
Date of Approval

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The undersigned Archives and Records Management Division staff have examined the record items and recommend the disposition as shown:

[Signature]
Records Analyst/Regional Administrator

8-10-17
Date of Approval

[Signature]
Appraisal Archivist

9/13/17
Date of Approval

[Signature]
State/Local Records Branch Manager

09/13/2017
Date of Approval

The determination as set forth meets with my approval.

[Signature]
Auditor of Public Accounts

9-14-17
Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION  
Archives and Records Management Division  
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS  
RETENTION SCHEDULE

Energy and Environment Cabinet  
Nature Preserves Commission

Record Group  
Number  
1910

Series	Records Title and Description	Function and Use
04388	<b>Intergovernmental Review Process File</b>	This series documents the evaluation of applications conducted by the Kentucky State Nature Preserves Commission (KSNPC) in the Kentucky Intergovernmental Review process. The applications are submitted to the Kentucky State Clearinghouse (KSC) by public agencies requesting federal financial assistance for projects. Those reviewed by KSNPC have potential environmental impact on any of the endangered, threatened, or special concern plants and animals or unique natural communities monitored. Though the KSNPC is not a regulatory agency and has no enforcement authority, the applications are often sent either for informational purposes or for review and comment (courtesy copy). Where threatened species are listed on the federal register and federal funds are provided, the federal government has the enforcement authority to intervene into projects that are potentially destructive. When cabinet responses are gathered, Administrative Services, Natural Resources and Environmental Protection Cabinet compiles them and forwards to KSC.
	<b>Access Restrictions</b>	Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Application; Programmatic and fiscal data; Review, response form; Project description; Correspondence, Comments
	<b>Retention and Disposition</b>	Retain in Agency three (3) years; those records retained for comment or review are to be transferred to the State Records Center for two (2) years and the total retention for these records is five (5) years. All others may be destroyed when no longer useful.
04389	<b>County Inventory File (V)</b>	This series documents the commission's site inventory activity in a county. A site inventory is a survey and evaluation for inclusion into the state's nature preserve system. Surveys of areas of counties are conducted systematically using maps, aerial photographs, or by suggestion or referral of donor or agency. The series also documents a history of sites or natural areas in a county. The agency has a responsibility to seek and approve the dedication of natural areas, to have policies established for the selection, acquisition, management, protection and use of sites. Thus, the file will reflect species discovered or existing, landmarks, and remnants of land determined to be of value or unique for the purposes of preservation. Specific information regarding a site will be cross-referenced in the Site File (04390), so as to minimize duplication.
	<b>Access Restrictions</b>	Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Survey Record Sheet (County, name of area, PNA number, quadcode, quadname, watershed, elevation, photo surveyor, location of photo, date, photocode, comments, aerial surveyor, comments, surveyor, date of ground visit, boundaries, eoranks, acreages, location of area, monitored and watch list species occurrences, disturbances/threats, site rating, justification for rating/biological significance if any); Summary table (Score card); Summary of evaluation; Maps; Correspondence
	<b>Retention and Disposition</b>	Retain permanently in agency
04390	<b>Site File (V)</b>	This series documents the biological and legal information on natural areas or sites. The biological information is defined by types of species found (plants and animals), the reason for its value, land use history and surrounding land uses, management needs of the site, and justification of the boundaries, among others. Legal information includes the site protection urgency and intent or plans for the area, the number of tracts and their relation to managed areas, size and acreage. The Natural Heritage Program Database (04399) contains the current information from the file in summary form. There also will be a distillation of critical information reflected in the County Inventory File (04389) and the Element File (04391). Sometimes, too, the property is privately owned.
	<b>Access Restrictions</b>	Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Location--county, quad, latitude, longitude, directions. Species Lists; Description of site; Reason for its value; Management needs; Land Use History; (Exotic) Problems; Surrounding Land Uses; Justification of the Boundaries; Protection Urgency and Intent for the site; # of tracts; Size, acreage; Date of visit
	<b>Retention and Disposition</b>	Retain permanently in agency

**STATE ARCHIVES AND RECORDS COMMISSION**  
**Archives and Records Management Division**  
**Kentucky Department for Libraries and Archives**

**STATE AGENCY RECORDS**  
**RETENTION SCHEDULE**

Energy and Environment Cabinet  
 Nature Preserves Commission

**Record Group**  
**Number**  
**1910**

<b>Series</b>	<b>Records Title and Description</b>	<b>Function and Use</b>
<b>04391</b>	<b>Element File (V)</b>	This series documents the unit(s) of biological diversity of the landscape, or the element or compilation of elements of the landscape, such as endangered or threatened species and exemplary of the natural communities. The file documents element occurrences and the ranking or de-listing of species or elements. The Site File (04390) documents the importance of the site in regard to the element(s) discovered or found there. The agency currently tracks about 600 elements, and maintains file information on about 300 more. *Information dates to 18th and 19th centuries.
	<b>Access Restrictions</b>	Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Location of Element; Identification Code; Taxonomy; Date of occurrence; Occurrence Population Data-health, size of colony, flowering data; Rank or judgement of occurrence quality; Habitat; First known observation or collection; KSNPC status; Map number; Estimate of element abundance in Kentucky; Status with U.S. Fish and Wildlife Service; Name of EPA Waterbody in which the occurrence is plotted; Watershed
	<b>Retention and Disposition</b>	Retain permanently in agency
<b>04400</b>	<b>Nature Preserve Acquisition and Management File (V)</b>	This series documents the acquisition and management of all dedicated state nature preserves. That is, all property owned by the Commission, state, a local government agency, a private citizen, or a non-profit organization. The file ensures legal compliance with the laws governing the use of state nature preserves as determined by the terms and conditions of the commission consistent with the purposes of the Article of Dedication, the writing or law by which any estate, interest, or right in a natural area is formally dedicated. The series provides for the maintenance of accurate records of the status of rare and endangered species and their protection; for a natural community being maintained or restored; for the use of an area by the general public dictated by the nature of the site, i.e., a state park versus a site noted for the presence of rare species. It is important to note that once a natural area is "dedicated," it cannot lose its protected status. The series also documents hearings held in regard to a nature preserve. Hearings may be held to amend any articles of dedication. For instance, the Department of Transportation may want to build a road and part of that road will run through an area that prohibits that disturbance.
	<b>Access Restrictions</b>	Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: correspondence, title opinion, appraisal, survey, deed, article(s) of dedication/amendments, managing archeological survey, previous land use or history, collecting permits, results of studies, complaints, names of volunteers, hearing information, management plans, specific legal issues (i.e. oil spills, lawsuits).
	<b>Retention and Disposition</b>	Retain permanently in agency.
<b>06845</b>	<b>Acquisition Process Files</b>	This series documents the attempts to acquire land for preservation per KRS 146.465. When land is determined to contain values worthy of protection efforts, the agency will contact the landowner. They will continue to contact the landowner until the land is acquired or the land no longer contains values worthy of protection efforts.
	<b>Access Restrictions</b>	Agencies should consult legal counsel regarding open records matters.
	<b>Contents</b>	Series may contain: correspondence, contact attempts, maps, rare species information, title work, appraisals, other documents pertaining to acquisition.
	<b>Retention and Disposition</b>	Retain in Agency until the land no longer contains values worthy of protection efforts, then destroy. If acquired, transfer file to series 04400, Nature Preserve Acquisition and Management File.

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# *Electronic System With Included Records Series*

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## **Tourism, Arts and Heritage Cabinet**

### *KY State Nature Preserves Commission*

**System Description:** This database documents and tracks the biological, geographical, and legal information about the state's biodiversity and natural areas. Over 12,000 site-specific occurrences of endangered or threatened species have been identified by agency personnel, and over 700 outstanding natural areas. This application was developed by the Nature Conservancy, a non-profit conservation organization. The database is used by agency staff in the selection and ranking of rare species and outstanding natural communities, the creation of technical publications, the evaluation of the environmental impact from proposed development projects, and annual personal objectives. Several governmental agencies utilize the program's data under memorandums of agreement, such as the Department for Surface Mining Reclamation and Enforcement and the Department of Highways in the permit and project approval process; the U.S. Fish and Wildlife Service in the evaluation of species for listing under the Endangered Species Act; the Tennessee Valley Authority, the U.S. Forest Service, and the National Park Service (Mammoth Cave National Park) in land use management. The Nature Conservancy uses the database to prioritize its efforts to protect, whether through registry, easement, or acquisition, significant natural areas in Kentucky. Other agencies include the U.S. Army Corps of Engineers, local development districts and members of the academic community. Information dates back to 1800s.

**System Contents:** Biotics5 is an oracle spatial database as provided by NatureServe. Information relating to source features, element occurrences, conservation sites, and conservation lands are entered into the data by field and office staff.

#### **General Schedule Items:**

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**System Title:** Natural Heritage Program Database

**Alternate Title:** Biotics

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**Series #:** **Series Title:**

**Disposition Instructions:**

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04390 Site File

Retain permanently in agency

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04391 Element File

Retain permanently in agency

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