

**State of Vermont
Natural Resources Board**



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Under Revision

I. PURPOSE

On November 21, 2019, the Natural Resources Board (“NRB”) adopted its Records Management Policy to (1) fulfill its obligation under 3 V.S.A. § 218 to adopt a program approved by the Vermont State Archives & Records Administration (“VSARA”) for the effective management, preservation, and disposition of public records; and (2) set forth the records schedules pursuant to which NRB employees may dispose of public records pursuant to 1 V.S.A. § 317a. The NRB last updated its Records Management Policy on May 10, 2021. The purpose of this Records Management Manual is to provide additional guidance to NRB employees on how to implement these records schedules.

II. DEFINITIONS

“Appraisal Value” – The usefulness or importance of a record after its original purpose has passed. For example, the administrative or legal value of an agenda for a regularly scheduled NRB meeting after the meeting has occurred will differ from the value of a land use permit with no expiration date. The appraisal value of a record dictates how it must be disposed of after the retention requirements in the applicable [Records Schedule](#) are met.

“Conditional Archival” – Records that have not been appraised as archival, but which may be sent to State Archives because VSARA has issued a waiver exempting them from destruction.

“Permanent (Archival)” – Records that may be sent to State Archives because they meet the conditions of “Vermont Archival Record” and are therefore permanent (archival) records.

“Temporary (Administrative)” – Records that have temporary administrative value.

“Temporary (Legal)” – Records that have temporary legal value and which may have specific legal requirements governing their retention.

“Unappraised” – Records that have not been assigned an appraisal value and, therefore, do not have retention or disposition requirements.

“NRB Archives” – Refers to the location at the NRB’s Central or District offices, which the NRB has identified for on-site permanent retention of records the NRB has elected not to transfer to VSARA custody. NRB Archives include records in filing cabinets, binders, boxes, bookcases, and bins in Central and District offices and those housed in NRB’s databases, local drives, and SharePoint sites.

“State Archives” – Refers to the archives maintained by VSARA to store hardcopy or electronic Public Records that are no longer in active use by the NRB but which may not be destroyed due to their continuing value to the State of Vermont and its citizens. The disposition and transfer of public records to State Archives is not only a change in physical or electronic record location, but also of legal custody.

“Disposition Requirements” – These requirements dictate how the NRB must dispose of a Public Record once the applicable Retention Requirement has been met. If the Public Record has not been appraised as Conditional Archival or Permanent (Archival), it will be destroyed after the Retention Requirement has been met. If the Public Record has been appraised as Conditional Archival or Permanent (Archival), it will be transferred to State Archives for permanent preservation and access.

“Archives” – Public Records which must be retained indefinitely, and which may be transferred to State Archives.

“Confirm” – Public Records which have been appraised as Conditional Archival and which may be transferred to State Archives only with the approval of the VSARA.

“Destroy (General)” – Public Records that may be destroyed via recycling or deleting the record.

“Destroy (Shred)” – Public Records in paper format (hardcopy) that may be destroyed, but which contain sensitive information and should be shredded.

“Weed” – Public Records whose appraisal value is temporary, and which must be separated from Public Records that have been appraised as Conditional Archival or Permanent (Archival) prior to those records being transferred to State Archives.

“Legal Staff” – The NRB’s General Counsel, Associate General Counsel, Legal Technicians, and such other paralegals and attorneys as the NRB may hire in the future.

“Official Copy” – The Official Copy of a Public Record shall be the one copy that is subject to a Records Schedule. All other copies constitute duplicate records and may be destroyed prior to the Retention Requirements set forth in the Records Schedule and as soon as they are no longer needed.

“Public Access Requirement” – The availability of a Public Record for public use and inspection pursuant to Vermont’s Access to Public Records law, [1 V.S.A. §§ 315-320](#). Note that copies of public records that have not been otherwise disposed of pursuant to the NRB’s Records Management Policy may be subject to public use and inspection.

“Exempt” – Public Records that in their entirety are not subject to public inspection and copying because they meet one of the [exemptions](#) to Vermont’s Access to Public Records law, .

“General” – Public Records that in their entirety are subject to public inspection and copying because they do not meet one of the exemptions (see link above) to Vermont’s Access to Public Records law.

“Redact” – Public Records that contain some information that is not subject public inspection and copying because the information meets one of the exemptions (see link above) to Vermont’s Access to Public Records law. In response to a Public Records Request, the exempt information should be redacted, and the remaining portions of the Public Record should be made available for public inspection and copying.

“Review” – Public Records that are only Exempt in limited circumstances and should be reviewed by Legal Counsel prior to public inspection and copying under Vermont’s Access to Public Records law.

“Public Record” – Any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of NRB business.

“Public Records Request” – Any request, in any form, to inspect, copy, or receive a copy of any NRB Public Records pursuant to Vermont’s Access to Public Records law=.

“Records Center” – The location maintained by VSARA to store Public Records that are no longer in active use by the NRB and which may be destroyed once the deadline for doing so set forth in the applicable Records Schedule has passed.

“Records Officer” – The NRB employee designated by the NRB to oversee the disposal of NRB records consistent with Vermont’s Access to Public Records law, the NRB’s Records Management Policy, and this

Records Management Manual, as well as provide training and guidance to other NRB employees on compliance with the same.

“Records Liaisons” – The NRB employees appointed by the Records Officer to carry out the disposal of NRB records consistent with Vermont’s Access to Public Records law, the NRB’s Records Management Policy, and this Records Management Manual, for their functional area.

“Records Schedule” – The schedules set forth in the NRB’s Records Management Policy that set forth the permissible times when Public Records may be destroyed.

“Retention Requirement” – The length of time the Official Copy of a Public Record must be retained by the NRB before it may be destroyed or sent to State Archives. The following Retention Requirements represent events or triggers that cause records to move from an active to inactive state.

“Audit Complete” – Assigned to Public Records that are actively used or needed until the information contained therein has been audited or verified.

“Calendar Year Ends” – Assigned to Public Records that are actively used or needed until the end of the calendar year.

“Completed/Closed” – Assigned to Public Records that are used as part of a specific activity or process and are no longer needed once the activity or process is formally completed, closed, or finalized.

“Expired” – Assigned to Public Records that are actively used or needed until the satisfaction or completion of certain conditions or requirements.

“Fiscal Year Ends” – Assigned to Public Records that are actively used or needed until the end of the fiscal year.

“Life of Asset Ends” – Assigned to Public Records that are actively used or needed until the life of a person, structure, object, or organization expires.

“Obsolete” – Assigned to records whose administrative value will end.

“Superseded” – Assigned to records that will be superseded, updated, or revised. Examples include rules, policies, procedures, manuals, and guidelines which are updated.

“Vermont State Archives & Records Administration” or “VSARA” – The division of the Vermont Secretary of State’s Office that assists state entities in the management of their Public Records and operates both State Archives and Records Center.

III. DUTIES OF THE RECORDS OFFICER

Consistent with [3 V.S.A. §§ 218\(c\) and \(d\)](#) and subject to any instructions from the NRB, the duties of the Records Officer include the following:

1. Establishing and maintaining an accurate inventory of all records.
2. Ensure that senior management is aware of the NRB’s records management responsibilities.

3. Facilitate the development and implementation of policies and procedures related to records management.
4. Implement and sustain an approved records schedule that provides for the effective management and appropriate disposition of all NRB records.
5. Advise NRB on records management issues and provide appropriate guidance and training about the proper management of records to staff.
6. Evaluate the overall effectiveness of the records program.
7. Authorize the transfer of records to and from the State Records Center and authorize individuals to review records at the facility.
8. Authorize the destruction of NRB's records as required.
9. Designate and supervise the Records Liaisons as needed to carry out the daily activities of the records management within NRB; and
10. Work in close partnership with the staff of VSARA to address records-related issues and to develop sound records management programs.

Legal Staff shall assist the Records Officer and Records Liaisons fulfill these duties by providing them with legal advice and administrative support.

IV. DUTIES OF THE RECORDS LIAISONS

Subject to any instructions from the NRB and the Records Officer, the duties of the Records Liaisons include the following:

1. Assist the Records Officer in implementing and maintaining the NRB's overall records management program.
2. Serve as the primary contact for records management information.
3. Provide general guidance to NRB staff regarding the proper management of records, including the use of record schedules and implementation of records management policies and procedures.
4. Refer records-related issues to the Records Officer as necessary.
5. Authorize and oversee the transfer of NRB's records to and from the State Records Center.
6. Authorize the destruction of NRB records at the State Records Center.
7. Authorize NRB's staff to view agency records at the State Records Center.

Legal Staff shall assist the Records Liaisons in fulfilling these duties by providing legal advice and administrative support.

V. MANAGEMENT AND DISPOSITION OF PUBLIC RECORDS

The Records Schedules set forth the earliest time when a Public Record may be destroyed. Public Records do not have to be destroyed once this time has elapsed and may be kept for a longer period in the discretion of the NRB, the Records Officer, or NRB employee with immediate custody of the Public Record. However, it is the NRB's expectation that NRB employees, once trained in Records Management per functional area, will dispose of Public Records at the earliest time authorized by the NRB's Record Management Policy unless good cause, which does not include administrative convenience, exists to retain it for a longer period of time. Any NRB employee deviating from this expectation must be able to articulate the good cause supporting their decision. NRB employees with questions about which Record Schedule applies to a Public Record should contact the Records Officer, General Counsel, Associate General Counsel, or the Record Liaisons for their functional area. Prior to their destruction, Public Records shall be maintained consistent with the terms of this Records Management Manual.

The NRB is in the process of developing specific records schedules to address the maintenance and disposition of litigation records related to enforcement, land use permit appeal records, and records related to the NRB's participation in Public Utility Commission cases. Once such schedules are developed and approved by VSARA, the NRB will update this policy.

1. Accounting Records

Accounting Records are Public Records that relate to financial transactions involving the NRB.

Examples of Accounting Records include audits, invoices, purchase orders, and receipts.

The Public Access, Retention, and Disposition Requirements for Accounting Records are set forth in [GRS-1000.1002](#).

Accounting Records do not include records relating to the salaries and benefits of NRB Employees. The Public Access, Retention, and Disposition Requirements for those records are set forth in [GRS-1009.1103](#) (Payroll Management Records),

The Retention Requirements of any Accounting Record that also constitutes an Audit Record, a Budget Record, or a Contract Files shall be the requirement from [GRS-1000.1002](#), [GRS-1000.1007](#), [GRS-1000.1012](#), or [GRS-1000.1126](#), that results in the longest retention period prior to destruction.

If the original form of an Accounting Record is electronic, the Official Copy shall be the electronic version of the record. If the original form of an Accounting Record is not electronic, the record shall be scanned, and the Official Copy shall be the resulting electronic version of the record. The Official Copy of Accounting Records shall be stored on the Central Office's local drive in a location determined by the NRB Business Director.

2. Administrative Policy Records

Administrative Policy Records are Public Records related to the administration of the NRB and the formulation of its policies. They do not include, however, rulemaking pursuant to Vermont's Administrative Procedures Act, [3 V.S.A. Ch. 25](#).

Examples of Administrative Policy Records include meeting agendas, meeting minutes, written policies and guidelines, as well as reports, studies, and communications relating thereto.

The Public Access, Retention, and Disposition Requirements for Administrative Policy Records are governed by [GRS-1000.1102](#).

If the original form of an Administrative Policy Record is electronic, the Official Copy shall be the electronic version of the record. If the original form of an Administrative Policy Record is not electronic, the record shall be scanned, and the Official Copy shall be the resulting electronic version of the record. The Official Copy of Administrative Policy Records shall be stored on the Central Office's local drive in a location determined by the NRB Business Director.

3. Appointment Records

Appointment Records are Public Records relating to the appointment of an individual to the NRB or to a District Commission.

The Public Access, Retention, and Disposition Requirements for Appointment Records are governed by [GRS-1493.1004](#).

If the original form of an Appointment Record is electronic, the Official Copy shall be the electronic version of the record. If the original form of an Appointment Record is not electronic, the record shall be scanned, and the Official Copy shall be the resulting electronic version of the record. The Official Copy of Appointment Records shall be stored on the Central Office's local drive in a location determined by the NRB Business Director.

4. Audit Records

Audit Records are Public Records that relate to or pertain, in a specific manner, both audits of the NRB and audits conducted by the NRB to examine and verify that a practice or set of practices are being conducted in accordance with established laws, regulations, and principles.

The Public Access, Retention, and Disposition Requirements for Audit Records are set forth in [GRS-1000.1007](#).

Audit Records do not include records relating to the salaries and benefits of NRB Employees. The Public Access, Retention, and Disposition Requirements for these records are set forth in [GRS-1009.1103](#) (Payroll Management Records).

The Retention Requirement of any Audit Record that also constitutes an Accounting Record, a Budget Record, or a Contract File shall be the requirement from [GRS-1000.1007](#), [GRS-1000.1002](#), [GRS-1000.1012](#), or [GRS-1000.1126](#), that results in the longest retention period prior to destruction.

If the original form of an Audit Record is electronic, the Official Copy shall be the electronic version of the record. If the original form of an Audit Record is not electronic, the record shall be scanned, and the Official Copy shall be the resulting electronic version of the record. The Official Copy of Audit Records shall be stored on the Central Office's local drive in a location determined by the NRB Business Director.

5. Budget Records

Budget Records include the NRB's budget as well as reports and recommendations about or supporting the NRB's budget and proposed budget and any analyses of expenditures and revenues after the close of the budget cycle.

The Public Access, Retention, and Disposition Requirements for Budget Records are set forth in [GRS-1000.1007](#)

Audit Records do not include records relating to the salaries and benefits of NRB Employees. The Public Access, Retention, and Disposition Requirements for those records are set forth in [GRS-1009.1103](#) (Payroll Management Records).

The Retention Requirements of any Budget Record that also constitutes an Accounting Record, Audit Record, or a Contract Files shall be the requirement from [GRS-1000.1012](#), [GRS-1000.1002](#), [GRS-1000.1007](#), or [GRS-1000.1126](#), that results in the longest retention period prior to destruction.

If the original form of a Budget Record is electronic, the Official Copy shall be the electronic version of the record. If the original form of a Budget Record is not electronic, the record shall be scanned, and the Official Copy shall be the resulting electronic version of the record. The Official Copy of Budget Records shall be stored on the Central Office's local drive in a location determined by the NRB Business Director.

6. Contract Files

Contract Files are Public Records related to formal agreements the NRB enters into to secure goods and services.

Examples of Contract Files include purchase and sale agreement, contracts for professional services, and lease agreements.

The Public Access, Retention, and Disposition Requirements for Contract Files are set forth in [GRS-1000.1126](#).

Contract Files do not include records relating to the salaries and benefits of NRB Employees. The Public Access, Retention, and Disposition Requirements for those records are set forth in [GRS-1009.1103](#).

The Retention Requirements of any Contract File that also constitutes an Accounting Record, Audit Record, or a Budget Record shall be the requirement from [GRS-1000.1126](#), [GRS-1000.1002](#), [GRS-1000.1007](#), or [GRS-1000.1012](#), that results in the longest retention period prior to destruction.

If the original form of a Contract File is electronic, the Official Copy shall be the electronic version of the record. If the original form of a Contract File is not electronic, the record shall be scanned, and the Official Copy shall be the resulting electronic version of the record. The Official Copy of Contract Files shall be stored on the Central Office's local drive in a location determined by the NRB Business Director.

7. Enforcement Records

Enforcement Records are Public Records related to the investigation of alleged violations of [10 V.S.A. Ch. 151](#).

Examples of Enforcement Records include complaints of alleged violations, evidence collected by the NRB's Compliance and Enforcement Officer, reports generated by the NRB's Compliance and Enforcement Officer, and communications related to the same. Enforcement Records do not include records related to administrative proceedings commenced pursuant to [10 V.S.A. Ch. 201](#). The NRB is in the process of developing a separate records schedule for those records.

The Public Access, Retention, and Disposition Requirements for Marketing Records are set forth in [SRS-1185.1033](#), a copy of which is attached to the NRB's Records Management Policy.

If the original form of an Enforcement Record is electronic, the Official Copy shall be the electronic version of the record. If the original form of an Enforcement Record is not electronic, the record shall be scanned, and the Official Copy shall be the resulting electronic version of the record. The Official Copy of Enforcement Records shall be stored on the Central Office's local drive in a location determined by the NRB's General Counsel.

8. Land Use Permit Records

Land Use Permit Records are Public Records created, obtained, and/or otherwise received in connection with proceedings conducted to determine whether to issue a land use permit pursuant to [10 V.S.A. 151](#). Examples of Land Use Permit Records include, but are not necessarily limited to, land use permit applications, exhibits to land use permit applications, recordings of District Commission hearings, and land use permit decisions.

For the time being, the NRB has elected not to adopt a records schedule for land use permit records. As a result, all public records contained in land use permitting files must be retained indefinitely unless they are a duplicate of the official copy of the record or their disposition is governed by another records schedule, such as [GRS-1185:1000: Natural Resources Board Transitory Records](#). The Official Copy of Land Use Permit Records created after October 3, 2016 shall be the electronic copy stored in local drive for each regional office except for records which due to their size or format cannot be stored electronically; the Official Copy of such records shall be stored in a physical permit filing cabinet or repository located in the office of the relevant District Commission. The Official Copy of Land Use Permit Records created before October 3, 2016 shall be the physical permit file until an electronic version of the file: (1) has been created, and (2) has been in the same manner used to create Official Copies of Land Use Permit Records prior to October 3, 2016, after which point the original paper copy can be dispositioned.

9. Marketing Records

Marketing Records are Public Records related to marketing and promoting the services of NRB.

Examples of Marketing Records include publications, newsletters, press releases, and advertisements.

The Public Access, Retention, and Disposition Requirements for Marketing Records are set forth in [GRS-1000.1062](#).

If the original form of a Marketing Record is electronic, the Official Copy shall be the electronic version of the record. If the original form of a Marketing Record is not electronic, the record shall be scanned, and the Official Copy shall be the resulting electronic version of the record. The Official Copy of Marketing Records shall be stored on the Central Office's local drive in a location determined by the NRB Project Manager.

10. Monitoring Records

Monitoring Records are Public Records related to monitoring compliance with statutory and regulatory requirements and/or orders, permits, and similar authorizations issued by the NRB and District Commissions.

Examples of Monitoring Records include declarations or certifications of compliance, monitoring plans and reports, and supporting materials.

The Public Access, Retention, and Disposition Requirements for Monitoring Records are set forth in [GRS-1000.1063](#).

If the original form of a Monitoring Record is electronic, the Official Copy shall be the electronic version of the record. If the original form of a Marketing Record is not electronic, the record shall be scanned, and the Official Copy shall be the resulting electronic version of the record. The Official Copy of Monitoring Records shall be stored on the Central Office's local drive in a location determined by the NRB's Compliance and Enforcement Officer after consultation with the General Counsel.

11. Operational/Managerial Records

Operational/Managerial Records are Public Records that relate to the NRB's day-to-day operations and its internal workflows and processes. They do not include rulemaking pursuant to the Administrative Procedure Act.

Examples of Operational/Managerial Records include routine calendar entries unrelated to a specific permit proceeding, enforcement action, or appeal, as well as spreadsheets tracking workflows and project statuses.

The Public Access, Retention, and Disposition Requirements for Enforcement Records are governed by [GRS-1000.1103](#).

Operational/Managerial Records do not include Public Records related to the payments of salaries, expenses, and other benefits to NRB employees. The Public Access, Retention, and Disposition Requirements of such records are governed by [GRS-1009.1103](#).

If the original form of an Operational/Managerial Record is electronic, the Official Copy shall be the electronic version of the record. If the original form of an Operational/Managerial Record is not electronic, the record shall be scanned, and the Official Copy shall be the resulting electronic version of the record. The Official Copy of Operational/Managerial Records shall be stored on the Central Office's local drive in a location determined by the NRB Business Director.

12. Payroll Management Records

Payroll Management Records are Public Records related to the payments of salaries, expenses, and other benefits to NRB employees.

Examples of Payroll Management Records include time sheets, pay stubs, expense reimbursement requests, per diem payments to NRB members and District Commissioners, as well as communications related to the same.

The Public Access, Retention, and Disposition Requirements for Payroll Management Records are governed by [GRS-1000.1103](#).

Payroll Management Records do not include Accounting Records, Audit Records, Budget Records, and Operational Managerial Records. The Public Access, Retention, and Disposition Requirements of such records are respectively governed by [GRS-1000.1003](#), [GRS-1000.1007](#), [GRS-1000.1012](#), and [GRS-1000.1103](#).

The Official Copy of Payroll Management Records shall be stored on the Central Office's local drive in a location determined by the NRB Business Director.

13. Personnel Files

Personnel Files are Public Records relating to the management of a specific employee during their employment with the NRB.

Examples of Personnel Files include applications for employment, annual evaluations, and documentation of disciplinary actions.

The Public Access, Retention, and Disposition Requirements for Personnel Files are governed by [GRS-1304.1103](#).

Personnel Files do not include Public Records related to the payments of salaries, expenses, and other benefits to NRB employees. The Public Access, Retention, and Disposition Requirements for such records are governed by [GRS-1009.1103](#).

If the original form of a Personnel File is electronic, the Official Copy shall be the electronic version of the record. If the original form of a Personnel File is not electronic, the record shall be scanned, and the Official Copy shall be the resulting electronic version of the record. The Official Copy of Personnel Files shall be stored on the Central Office's local drive in a location determined by the NRB Business Director.

14. Transitory Records

Transitory Records are Public Records the value and usefulness of which is temporary because they are only needed for a limited period in order to complete a routine or administrative action or prepare or update a formal or on-going record.

Transitory Records become Obsolete after the specific action or process to which they relate is complete.

Examples of Transitory Records include routine correspondence, drafts, notes, and similar records.

The Public Access, Retention, and Disposition Requirements for Transitory Records are set forth in SRS-1185.100 a copy of which is attached to the NRB's Records Management Policy.

NRB Employees who are actively using Transitory Records may determine which copy is the Official Copy and where to store it.

VI. RECORDS SUBJECT TO LITIGATION

Public Records that relate to a matter that is either currently pending or which an NRB employee has reason to believe will imminently be pending before a District Commission, any state or federal court shall not be destroyed notwithstanding anything to the contrary in a Records Schedule. Instead, such records shall be retained until the matter is concluded and the Records Officer, Records Liaisons, General Counsel, or Associate General Counsel authorizes their destruction. If the Public Records are stored in the State Records Center, the Records Officer shall either request that the records be returned from the Records Center or submit a retention hold request (VSARA-20) to VSARA.

VII. TRANSFERRING RECORDS TO THE RECORDS CENTER

Some Records Schedules require Public Records to be sent to the Records Center after the Retention Requirement has passed, but before the Disposition Requirements have been met. Only Public Records that may be destroyed may be sent to the Records Center. Public Records that may not be destroyed must be retained indefinitely by the NRB or sent to State Archives.

The NRB retains legal custody of Public Records sent to the Records Center. This means that the NRB remains responsible for responding to Public Records Requests to inspect or copy Public Records that have been sent to the Records Center.

NRB employees who must access documents sent to the Records Center may do so either by visiting the Records Center in Middlesex, VT, or by requesting that the Public Records be returned from the Records Center.

Once the Disposition Requirements for Public Records sent to the Records Center have been met, VSARA will dispose of the records unless it first receives a retention hold request from the NRB Records Officer. If the NRB Records Officer instructs VSARA not to destroy a Public Record once the Disposition Requirements have been met, VSARA may elect to return the Public Record to the NRB.

VIII. TRANSFERRING RECORDS TO ARCHIVES

Some Records Schedules require Public Records to be sent to State Archives after the Retention Requirement has passed. Public Records that are sent to State Archives are those that have Disposition Requirements that do not involve destroying the records. This means that Public Records sent to State Archives will never be destroyed.

Once Public Records are sent to State Archives, legal custody of those records is transferred from the NRB to VSARA. That means that VSARA is responsible for responding to Public Records Requests to inspect or copy Public Records that have been sent to State Archives. Consequently, before Public Records are sent to State Archives, the Records Officer or Records Liaison should, in consultation with the NRB General Counsel or Associate General Counsel, designate which of the Records are Exempt.

NRB employees who must access physical documents sent to State Archives may do so by visiting State Archives in Middlesex, VT. NRB employees who must access electronic documents sent to State Archives may do so through VSARA's electronic archives service. For additional information on how to access this service, NRB employees should contact the Records Officer, Records Liaisons or VSARA.

IX. PUBLIC RECORDS REQUESTS

Document integrity is crucial because it records government actions and decisions for accountability purposes and to ensure citizen rights and equities have been preserved.

For in-person visits, absent advanced written permission from the NRB Chair, members of the public shall only be allowed to inspect such documents in the District office where they are kept and an NRB employee should retrieve and return such documents for the member of the public. When NRB staff remove such documents, they shall record that they have done so using the [Land Use Permit File Log](#) available on the NRB's SharePoint site. If copies of the documents are required, an NRB employee shall make the copies for the member of the public. If copying requires the NRB employee to leave the room, the member of the public can be asked to return at a later time when the copies are ready. This rigor is required to retain the integrity of the record and prevent loss or damage.

NRB employees who receive a Public Records Request:

- A. may respond to the public records request without further consultation with the Records Officer, General Counsel, or Associate General Counsel if:
 - o (1) the requested record(s) is publicly available on the NRB's website, including the Act 250 Database; and
 - o (2) the requested record(s) located in a land use permit file is General in nature. If there is any question whether a document in the file is Exempt, Redact, or Review worthy (see "Public Access Requirement" above), contact the Records Officer, General Counsel or Associate General Counsel for guidance; and
 - o (3) the requested record(s) may be compiled and provided to the requestor within 3 business days of receiving the request according to [1 V.S.A. §§ 318\(a\)\(1\)](#) [or, in extenuating circumstances, as prescribed in [1 V.S.A. §§ 318\(a\)\(5\)\(A\)-\(C\)](#), up to but no longer than 10 business days] and without incurring a fee under [1 V.S.A. §§ 316\(b\)-\(d\)](#); and

- B. should forward all other Public Records Requests to the Records Officer, Records Liaisons, General Counsel, and Associate General Counsel as soon as possible and shall refrain from responding to the request until receiving instructions; and
- C. if designated to fulfill the request, and if the request is a “written request,” must log the request in the [Statewide Public Record Requests Database](#) (1 V.S.A. § 318a), completing the following fields listed in [Appendix A](#);
- D. Responses to all Public Records Requests must state:

To the degree the NRB’s response constitutes a denial of your public records request, you may appeal it to the head of the agency pursuant to [1 V.S.A. § 318](#). You may direct your appeal to

Vermont Natural Resources Board
Attn: Sabina Haskell, Chair
10 Baldwin Street
Montpelier, VT 05633-3201

X. ENFORCEMENT

Any NRB employee found to have willfully violated the NRB’s Records Management Policy, this Records Management Manual, or Vermont’s Access to Public Records Law ([1 V.S.A. §§ 315-320](#)) may, in addition to any other consequence provided for in law, be subject to disciplinary action consistent with the terms of any collective bargaining agreement governing the terms of their employment with the State of Vermont.

XI. RECOVERING LOST OR STOLEN DOCUMENTS

At times, land use permit paper documents are removed from their folder, filing cabinets, or buildings for inspection by NRB. Despite precautions, it is possible that land use permit paper documents may be lost. Because not all NRB land use permit documents have been catalogued, it may also be challenging for staff to determine whether a document is missing at all. Currently, the Exhibit List, if present, is the only way to catalog project-related documents. When a loss occurs, our ability to maintain accountability in government is diminished. It is in our collective best interests to act on and report missing documents as soon as the loss is noted. Consequently, when an NRB employee obtains information indicating that land use permit paper documents may be missing, they should comply with the following protocol.

1. Check the box filing cabinet carefully. Sometimes documents or folders are misfiled.
2. Review the Land Use Permit File Log to determine who last checked out the folder.
 - a. If it was a member of the public, contact that person to determine whether they accidentally took the document(s) with them.
 - b. If it was staff, contact the staff person last in control of the document to advise that the document is missing and enlist their assistance in locating it.
3. If the Land Use Permit File Log does not contain check-out information for the specific project, contact staff who regularly work with the folders where the document is housed. Provide as much information as

possible (project number, document type, etc.) to help call attention to what specifically you are looking for or what is missing.

4. If the document(s) still cannot be located, inform the NRB Chair and Records Officer regarding the loss and copy the Staff Attorneys who will provide additional steps to be taken, if any.(e.g. seeking a replacement copy from a reliable source and/or placing a memo in the file).
5. If you are notified document recovery is necessary, proceed with the instructions provided by the NRB Chair, Records Officer, and Staff Attorneys. If document recovery is not necessary, then a note should be added to the electronic file and to the paper file to indicate what land use permit paper document was lost, who discovered the loss, and when that person discovered the loss. The note should be approved by the Records Officer before being added to either the electronic or paper file. A template note is attached to this manual as [Appendix B](#).

XII. ADDITIONAL RESOURCES

The following resources may provide additional guidance to NRB employees on the creation, storage, and disposition of Public Records:

1. [VSARA's Forms & Procedures Page](#)
2. [VSARA and ADS Records Management Best Practice for All Public Agencies](#)
3. [VSARA and ADS Electronic Messages Best Practice for All Public Agencies](#)
4. [VSARA and ADS File Formants Best Practice for All Public Agencies](#)
5. [VSARA and ADS File Formats Guidelines](#)
6. [VSARA and ADS Imaging Guidelines for All Public Agencies](#)
7. [VSARA and ADS Recordkeeping Metadata Guideline for All Public Agencies](#)
8. [VSARA and ADS Electronic Signatures Best Practice for All Public Agencies](#)
9. [VSARA and ADS Information Security Best Practice for All Public Agencies](#)

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APPENDIX A

NRB employees responding to Records Requests must log each request in the [Statewide Public Record Requests Database](#). Click on “New Requests” and then complete the following fields:

Field name/description	Notes
Status (Open or Closed)	Use either "Open" or "Closed"; if a quick turnaround is expected, then simply choose "Closed." If it's going to take more than a day to fulfill, then choose "Open" and then when complete, use "Closed."
Date Received	Log the date you received the request, regardless of time of day received. You can add a note in the Comments if receipt was outside of SOV business hours.
Requestor First Name	Self-explanatory
Requestor Last Name	Self-explanatory
Requestor Email Address	If no email address, leave blank
Requestor Contact Information (address and/or phone no.)	If only email address, leave blank or capture phone or mailing address, or both, if available. Add the name of the organization here.
State Entity	SOV entity receiving request. In this case, always NRB
Request Description	Summarize the request or state something very specific. Use your best judgment about what a member of the public who knows nothing about the document request would find useful.
Action Taken (None, Fulfilled in Part, Fulfilled in Whole, Not Fulfilled, or Pending Requestor Response)	Choose the response in the interim if more information needed: Pending Requestor Response. Choose one of these three as a final action: Fulfilled in Part, Fulfilled in Whole, Not Fulfilled.
Second Level (None)	When denied because the record does not exist, use this to specify "Records Do Not Exist." When denied because the record is exempt, state "Exempt" and choose the applicable Statutory Exemption in the next field.
Statutory Exemption	Choose from the drop-down list the applicable Statute when request fulfilled in part or not fulfilled because the requested record is exempt.
Date Closed	Log the date you provided the requested information to the requestor or closed the request because no data was available (<i>no such record or records requested are "exempt"</i>)
Hours (enter whole hours; example: 2. Enter the actual hours spent to complete)	Self-explanatory
Minutes (enter whole minutes. Example: 31 or 4. Enter actual minutes spent to complete)	Self-explanatory
Amount billed (no amount billed, enter 0.00)	Charge based on 1 V.S.A. § 316 and " Uniform Charges Schedule " (outside of photocopying fees, consult with NRB Attorneys and Business Director whether a fee should be charged for any other action)
Comments	Add useful information here that couldn't be captured in any of the other fields in this form.
Type of Request (Written, Verbal, Email)	Verbal can be defined as in person or by phone.

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APPENDIX B



State of Vermont
 Natural Resources Board
 District «District» Environmental Commission
 OFFICE ADDRESS
 OFFICE TOWN, VT ZIP
<https://nrb.vermont.gov>

[phone] PHONE

RE: Land Use Permit No.

Memorandum re: Missing Land Use Permit
 Paper Documents
 10 V.S.A. § 6001-111 (Act 250)

This Memorandum addresses what steps were taken by the Natural Resources Board in response to discovering that the Land Use Permit paper documents referenced below cannot be located.

Land Use Permit Documents at issue: Describe documents by title, author, date, exhibit number, and any other available identifying information.

Member of the public who notified the NRB that the documents could not be located (if applicable): Name, address, telephone, and email.

NRB employee who was the first to learn that the documents could not be located: Name, email, telephone, and title.

Date it was noticed that the documents could not be located: Date of discovery and date of report to NRB employee.

Steps taken to locate missing documents: List steps from the Recovering Lost or Stolen Documents guidance.

NRB Employee Signature: _____ Date: _____

Records Officer Approval: _____ Date: _____

NRB Staff Attorney Approval: _____ Date: _____

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