

Natural Heritage New Mexico Data Release Policy

The data managed by the Natural Heritage New Mexico (NHNM) includes the exact locations for sensitive species. Release of precise location information on sensitive species poses a potential threat to the native biodiversity of New Mexico and it is our policy not to release information that may inadvertently lead to the disturbance, illegal collection or harm of sensitive species. For this reason, it is the policy of NHNM to limit the precision of released data locations (e.g., to the 7.5 minute quadrangle level). More specific locations may be provided only on the basis of specific written requests justifying need and use of the data. Specifically, individuals or agencies requesting precise locations must have legitimate resource management, conservation, or research responsibilities directly related to a sensitive element or the habitat in which it occurs. Such requests are also subject to the NHNM Data Use Agreement and/or other agency-specific agreements. These agreements restrict the uses of the data and may also place a time limit on possession of the data set by the signatory agency.

Some data managed by the NHNM are covered by agreements such that they may not be released without express written permission from the land owner or manager. Requestors will be directed to the data owner to obtain permission for access to these data.

1. Definitions

- A. Element Types – any type of biological or ecological entity for which NHNM collects information for conservation and related purposes. The most important classes of element types are rare or vulnerable plant and animal species, infra-specific taxa (subspecies), and terrestrial vegetative and aquatic community types.
- B. Element Occurrences - individual instances of the various Element Types at specific geographic localities.

2. Guidelines for Release of Sensitive Element Data

- A. Routine requests for information on sensitive element occurrences will be filled by providing presence/absence data specific only to the general project area. Data will be provided within a certain radius of a project, or within a defined polygon that includes the project area, or within a certain species-specific distance from a project. The size of the area within which the data are provided will be large enough to protect the exact location of the known element occurrence(s). Maps with localities may be provided when the scale does not violate data security or when species' identities are masked.
- B. Specific locality data for sensitive element occurrences may be released from the NHNM database to the following requestors only under the following conditions:
 1. Requestors:
 - a. The persons requesting the data are bona fide owners or legal representatives of the owners of the land for which the data are being requested.
 - b. The persons requesting the data have provided all of the data being requested.

- c. The persons requesting the data are employees of and representatives for a natural resource management agency with responsibility for the element, its habitat, or the area where the element occurs.
- d. The persons requesting the data are recognized researchers who are currently investigating the element for which the data are being requested.

2. Conditions

- a. All requestors must agree not to release the data in a form that would violate the data's security and are required to submit (or have on file with NHNM) confirmation that they understand the sensitivity of the data. This may be in the form of a Cooperative Agreement, Memorandum of Understanding, Data Use Agreement, or other signed document.
 - b. Requestors described in B.1.d. above are also required to submit for evaluation a written statement justifying their request and describing how the data will be used.
- C. Requests for sensitive element data may be denied if the above conditions are not adequately met or there is a high probability that the data requested will be used for purposes other than legitimate resource management or research, or the request is made under false pretenses.
- D. In all cases where a data request does not clearly fit any of the above criteria, the final decision on how to deal with the request will reside with the NHNM Director. Such decisions will be made after consultation with appropriate specialists and managers within NHNM and/or other authorities. Routine data release decisions will be the responsibility of the Information Manager who will seek input from element specialists where appropriate.
- E. Scale of specific locality data for release
- 1. In general, specific locality data on sensitive species may be released to requestors meeting the above conditions at a level no more specific than one mile, with the point location randomized within the polygon.
 - 2. Certain species that are highly sensitive to disturbance from human activities or are vulnerable to illegal poaching will have their locations masked to no less than the area of a 7.5 minute U.S.G.S. topographic quadrangle map.
 - 3. More precise locations for element occurrences not subject to E.2. above may be released to agencies or organizations that enter into agreements with NHNM restricting the use of the data and limiting the length of time for which the agency or organization may possess the data.