

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 516 ERRDS, DEPARTMENT OF GAME AND FISH

1.18.516.1 ISSUING AGENCY: New Mexico Commission of Public Records - State Records Center and Archives
[1.18.516.1 NMAC - Rp, 1.18.516.1 NMAC, 01/05/2004]

1.18.516.2 SCOPE: department of game and fish
[1.18.516.2 NMAC - Rp, 1.18.516.2 NMAC, 01/05/2004]

1.18.516.3 STATUTORY AUTHORITY: Section 14-3-1 NMSA 1978. The administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.
[1.18.516.3 NMAC - Rp, 1.18.516.3 NMAC, 01/05/2004]

1.18.516.4 DURATION: Permanent
[1.18.516.4 NMAC - Rp, 1.18.516.4 NMAC, 01/05/2004]

1.18.516.5 EFFECTIVE DATE: January 5, 2004, unless a later date is cited at the end of a section
[1.18.516.5 NMAC - Rp, 1.18.516.5 NMAC, 01/05/2004]

1.18.516.6 OBJECTIVE: To establish a records retention schedule for the orderly management and retirement of records necessary for the carrying out of the Public Records Act, Section 14-3-6 NMSA 1978.
[1.18.516.6 NMAC - Rp, 1.18.516.6 NMAC, 01/05/2004]

1.18.516.7 DEFINITIONS:

- A. "Administrator"** means the state records administrator per Section 14-3-2 NMSA 1978.
- B. "Agency"** means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico per Section 14-3-2 NMSA 1978.
- C. "Audit"** means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.
- D. "Commission"** means the state commission of public records per Section 14-3-2 NMSA 1978.
- E. "Microphotography"** means the transfer of images onto film and electronic imaging or other information storage techniques that meet the performance guidelines for legal acceptance of public records produced by information system technologies pursuant to regulations adopted by the commission.
- F. "Pending litigation"** means a proceeding in a court of law whose activity is in progress but not yet completed.
- G. "Records management"** means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.
- H. "Public records"** means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein per Section 14-4-2 NMSA 1978.
[1.18.516.7 NMAC - Rp, 1.18.516.7 NMAC, 01/05/2004]

1.18.516.8 ABBREVIATIONS AND ACRONYMS:

- A. "NMAC"** stands for New Mexico administrative code.
- B. "NMSA"** stands for New Mexico statutes annotated.
- C. "USC"** stands for United States code.
[1.18.516.8 NMAC - N, 01/05/2004]

1.18.516.9 INSTRUCTIONS:

A. Records retention and disposition schedules identify the types of records maintained by state agencies and specify a period of time which records must be retained. A retention period may be stated in terms of months or years and is sometimes expressed as contingent upon the occurrence of an event. There are several types of records retention and disposition schedules created by the SRCA for state agencies. General schedules list records common to all agencies and executive schedules list records specific to an agency. Each record series will be represented in the format listed below.

(1) **Program** - describes the function of the records
(2) **Maintenance system** - describes how an agency files (organizes) records
(3) **Description** - describes the purpose and content of a record
(4) **Retention** - defines the length of time records must be kept before they are eligible for destruction or archival preservation.

B. For records of a general administrative nature, refer to the GRRDS, General Administrative, 1.15.2 NMAC.

C. For records of a financial nature, refer to the GRRDS, General Financial, 1.15.4 NMAC.

D. For records of a personnel nature, refer to the GRRDS, General Personnel, 1.15.6 NMAC.

E. For records of a medical nature, refer to the GRRDS, General Medical, 1.15.8 NMAC.

F. Retention periods shall be extended until six months after all current or pending litigation; current claims, audit exceptions or court orders involving a record have been resolved or concluded.

G. The descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are included in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.

H. Confidentiality is denoted for files likely to contain confidential materials or information; however files without a confidentiality note may contain confidential or privileged information. Failure to include a confidentiality note in the description of a record series does not waive confidentiality. Refer questions concerning the confidentiality of a file to legal counsel for the agency.

I. Access to confidential documents, information or files shall be only by authorization of the agency records custodian (14-2-8 NMSA 1978), or by the office of the attorney general or by court order, unless otherwise provided by law. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.

J. Records may be photographed, microfilmed, digitized or converted to computer output microfilm provided a microphotography plan has been approved by the state records administrator (14-3-17 NMSA 1978). Such photographs, microfilms, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction as evidence in all courts or administrative agencies (14-1-6 NMSA 1978).

K. Public records placed on magnetic tapes, disks or other data processing media shall be retained for the length of time specified in records retention and disposition schedules and are subject to the same confidentiality and access restrictions as paper records. See also 1.13.70 NMAC, Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

L. Email is a transmission medium for content that may or may not be a public record. Email messages that contain information sent or received by an agency in connection with the transaction of official state business or in pursuance of law are public records and are subject to retention requirements established in records retention and disposition schedules. Email messages are required to be categorized, filed and retained on the basis of content (1.13.4 NMAC, Records Management Requirements for Electronic Messaging). The content of email messages may vary considerably; therefore, each email shall be evaluated to determine if it meets the definition of a public record as defined in the Public Records Act. Non-records or transitory emails that do not provide evidence of official agency policies or business transactions may be deleted.

[1.18.516.9 NMAC - Rp, 1.18.516.9 NMAC, 01/05/2004; A, 07/14/2011]

1.18.516.10 - 1.18.516.14 [RESERVED]

1.18.516.15 WILDLIFE SYSTEM:

A. Program: wildlife management

B. Maintenance system: numerical by primary key

C. Description: system maintains, monitors and tracks information pertaining to licenses and permits as well as any violations to Chapter 17 NMSA 1978. System may contain citation data, fishing and hunting license data, disability license data, private land hunt data, once in a lifetime data, depredation data, special hunts data, etc.

D. Retention:

- (1) **disability data:** 100 years after date of birth
- (2) **once in a lifetime data:** 100 years after date of birth
- (3) **citation data:** 10 years after date issued
- (4) **private land data:** six years after termination of agreement
- (5) **license data:** three years after license expires
- (6) **depredation data:** three years after permit expires
- (7) **special hunts data:** three years after permit expires

E. Confidentiality: portions of this file may be confidential per 5 USC, Section 552a (i.e. social security number)

F. Hardcopy input documents. All documents used as input for the *wildlife system* are filed in the corresponding program's files. Those documents include but are not limited to the following: *citations*, hunting and fishing licenses, *disability and handicapped licenses*, *private land agreements*, etc.

G. Hardcopy output documents. All documents generated by the *wildlife system* are produced (printed) because of public request or administrative reporting responsibilities. Because the *wildlife system* is a data based system, required and ad hoc reports may be generated upon request or on demand. When produced, these reports are either forwarded to the requesting entity or filed in the program's files. Some of the reports include but are not limited to the following: *officers' annual activities report*, *animal attacks and problem reports*, *lucky and unlucky applicant listing of all species printout*, *uniform allotment printout*, *vehicle issuance printout*, etc.

[1.18.516.15 NMAC - N, 01/05/2004]

[The system is also referred to as the license system.]

1.18.516.16 - 1.18.516.20 [RESERVED]

1.18.516.21 DISABILITY AND HANDICAPPED LICENSE FILES:

A. Program: administrative services

B. Maintenance system: alphabetical by applicants' surnames

C. Description: records concerning privileges granted to disabled veterans or handicapped individual for a lifetime license per Section 17-3-13.1 NMSA 1978, or a handicapped license per 19.31.10 NMAC. This is a hardcopy input document to the *wildlife system*. File may contain application, medical certification, memoranda, correspondence, etc.

D. Retention: 100 years after date of birth

E. Confidentiality: portions of record are confidential per 5 USC, Section 552a

[1.18.516.21 NMAC - Rp, 1.18.516.103 NMAC, 01/05/2004]

[Denied applications are returned to applicant, and no documentation is retained]

1.18.516.22 LICENSE FILES:

A. Program: administrative services

B. Maintenance system: chronological by date received

C. Description: record giving permittee authorization to shoot, hunt, kill, injure or take game animal, game bird or game fish. This is a hardcopy input document to the *wildlife system*. License may show license number, licensee's name, address, home telephone number, date of birth, driver license's number, type of license, licensee's signature, vendor code, date and time of sale, etc.

D. Retention: three years after license expires

E. Confidentiality: portions of record are confidential per 5 USC, Section 552a

[1.18.516.22 NMAC - Rp, 1.18.516.216 NMAC, 01/05/2004]

[Denied applications are returned to applicant, and no documentation is retained]

1.18.516.23 - 1.18.516.30 [RESERVED]

1.18.516.31 SCHOLARSHIP FILES:

A. Program: wildlife

B. Maintenance system: alphabetical by applicants' surnames

C. Description: records concerning the evaluation of applications for a scholarship in the field of fishery and wildlife science. File may contain application, resume, transcripts, evaluation, recommendation, memoranda, correspondence, etc.

- D. **Retention:** five years after scholarship is terminated
 - E. **Confidentiality:** portions of record are confidential per 20 USC, Section 1232g
- [1.18.516.31 NMAC - Rp, 1.18.516.102 NMAC, 01/05/2004]

1.18.516.32 DEPREDAATION FILES:

- A. **Program:** wildlife
- B. **Maintenance system:** alphabetical by species name
- C. **Description:** records of complaints concerning actual or potential predatory attacks by wildlife species. This is a hardcopy input document to the *wildlife system*. File may contain *depredation hunt/permit proposal and extension request form, wildlife damage or nuisance complaint report, on-site investigation and intervention report, wildlife damage or nuisance intervention final results report*, memoranda, correspondence, etc.

- D. **Retention:** three years after intervention end date
- [1.18.516.32 NMAC - Rp, 1.18.516.302 NMAC, 01/05/2004]

1.18.516.33 BIGHORN SHEEP POSSESSION PERMIT FILES:

- A. **Program:** wildlife
- B. **Maintenance system:** alphabetical by permittees' surnames
- C. **Description:** records concerning the certification of a successful hunt or importation (carcass) of a bighorn sheep. This is a hardcopy input document to the *wildlife system*. This certification authorizes possession and transportation of the bighorn sheep head or carcass within the state. Permit may show name of hunter, license number, date of birth, gender, social security number, address, date killed, weapon type, location killed, photograph, etc.

- D. **Retention:** permanent
 - E. **Confidentiality:** portions of record are confidential per 5 USC, Section 552a
- [1.18.516.33 NMAC - Rp, 1.18.516.215 NMAC, 01/05/2004]

1.18.516.34 SPECIES TRANSPLANTING FILES:

- A. **Program:** wildlife
- B. **Maintenance system:** alphabetical by species name
- C. **Description:** records concerning the relocation of wildlife species to comply with the department of game and fish wildlife management plan. This is a hardcopy input document to the *wildlife system*. File may contain type of species, gender of species, quantity of species, location, date, etc.

- D. **Retention:** permanent
- [1.18.516.34 NMAC - Rp, 1.18.516.310 NMAC, 01/05/2004]

1.18.516.35 WILDLIFE DISEASE SURVEILLANCE FILES:

- A. **Program:** wildlife
- B. **Maintenance system:** alphabetical by species name
- C. **Description:** records concerning the monitoring of wildlife diseases. This is a hardcopy input document to the *wildlife system*. File may contain species' type, gender, age; location of kill; sampling date; hunter's name, license number, address, telephone number; etc.

- D. **Retention:** permanent
- [1.18.516.35 NMAC - Rp, 1.18.516.313 NMAC, 01/05/2004]

1.18.516.36 WILDLIFE SURVEY FILES:

- A. **Program:** wildlife
- B. **Maintenance system:** alphabetical by species name and location
- C. **Description:** survey conducted to estimate population of wildlife for the purpose of wildlife management. This is a hardcopy input document to the *wildlife system*. File may contain date of survey, area surveyed, type of survey, number of species, mode of transportation, observer, time of day, weather condition, etc.

- D. **Retention:** 10 years from date of survey completion
- [1.18.516.36 NMAC - Rp, 1.18.516.306 NMAC, 01/05/2004]

1.18.516.37 HUNTING SURVEY FILES:

- A. **Program:** wildlife
- B. **Maintenance system:** chronological by hunting season and alphabetical by species

C. Description: survey of licensed hunters concerning the depletion rate of species for the purpose of wildlife management. This is a hardcopy input document to the *wildlife system*. File may contain date of hunt, hunt code, type of weapon, dates of hunt, number of hunters, average days hunting, type of residences, gender of species, etc.

D. Retention: 10 years from date of survey completion
[1.18.516.37 NMAC - Rp, 1.18.516.307 NMAC, 01/05/2004]

1.18.516.38 PRIVATE LAND HUNT AGREEMENT FILES:

A. Program: wildlife

B. Maintenance system: numerical by game management unit number

C. Description: agreement between the department of game and fish and land owners concerning protected species hunts that are conducted on private land. This is a hardcopy input document to the *wildlife system*. Agreement may show ranch number, management unit number, ranch name, date of birth of contact, contact's name, contact's address, date of agreement, type of species, number of species permitted for harvesting, land owner's signature, land owner's telephone number, etc.

D. Retention: six years after termination of agreement
[1.18.516.38 NMAC - Rp, 1.18.516.308 NMAC, 01/05/2004]

1.18.516.39 GUIDE/OUTFITTER FILES:

A. Program: wildlife

B. Maintenance system:

(1) **Guide files:** alphabetical by guide surname

(2) **Outfitter files:** alphabetical by outfitter surname

C. Description: records concerning the registration of guides and outfitters to provide services or equipment within a big game management unit for big game hunting purposes. File may include application, test results, copies of documents showing outfitter experience, copies of certificate of insurance, copies of taxation and revenue department registration, copies of hunter education safety card, copies of New Mexico guide/outfitter registration card, copies of outfitter/guide complaint form, copies of citation, copies of revocation, correspondence, etc.

D. Retention:

(1) **Renewal applications:** three years after the end of the license year

(2) **Temporary emergency guide applications:** one year after the end of the license year

(3) **All other records:** three years from date of last renewal

E. Confidentiality: Portions of this record are confidential pursuant, but not limited to 5 USC, Section 552a (i.e. social security number).

[1.18.516.39 NMAC - N, 07/14/2011]

1.18.516.40 [RESERVED]

1.18.516.41 FISH MANAGEMENT PROJECT FILES:

A. Program: fish management

B. Maintenance system: numerical by grant number and chronological by project year

C. Description: records concerning four year projects undertaken as part of the Sport Fish Restoration Act per 16 USC, Section 777. This is a hardcopy input document to the *wildlife system*. File may contain receiving report (agency's proposal of project), grant agreement, amendments to grant agreement, National Environmental Policy Act categorical exclusion statement, biological evaluation form, project drawings, statement of work, final report, etc.

D. Retention: five years after completion of project
[1.18.516.41 NMAC - Rp, 1.18.516.401 NMAC, 01/05/2004]

1.18.516.42 FISH IMPORTATION PERMIT FILES:

A. Program: fish management

B. Maintenance system: numerical by permit number

C. Description: records concerning the importation of fish into a defined body of water. This is a hardcopy input document to the *wildlife system*. File may contain application, permit, health certificate, United States department of agriculture or United States fish and wildlife service exhibitor or breeder permits, containment

or confinement plan, letter of approval, policy statements, chronic wasting disease free acknowledgement form, notarized free of chronic waste disease declaration form, memoranda, correspondence, etc.

D. Retention: three years after permit expires
[1.18.516.42 NMAC - N, 01/05/2004]

1.18.516.43 HATCHERY FILES:

A. Program: fish management
B. Maintenance system: alphabetical by hatchery name
C. Description: records concerning projects, activities and the history of the hatchery. File may contain fish health inspection report, project manuals, *right of way easement*, drawings, maps, memoranda, correspondence, etc.

D. Retention:
(1) **titles, plans or maps:** permanent, transfer to archives after close of hatchery
(2) **historical documentation:** transfer to archives five years after the end of the fiscal year in which created
(3) **all other documentation:** 10 years after date created
[1.18.516.43 NMAC - Rp, 1.18.516.403 NMAC, 01/05/2004]

1.18.516.44 WATER FILES:

A. Program: fish management
B. Maintenance system: alphabetical by body of water name
C. Description: records concerning the history and project management of bodies of water. Files may contain dedications, drawings, maps, project reports, memoranda, correspondence, etc.

D. Retention:
(1) **titles, plans and maps:** permanent, transfer to archives after program terminated.
(2) **historical documentation:** transfer to archives five years after the end of the fiscal year in which created
(3) **all other documentation:** 10 years after date created
[1.18.516.44 NMAC - Rp, 1.18.516.404 NMAC, 01/05/2004]

1.18.516.45 MINNOW DEALER FILES:

A. Program: fish management
B. Maintenance system: alphabetical by business name
C. Description: records concerning procurement of a license for the purpose of engaging in the business of selling minnows and non-game fish for bait. This is a hardcopy input document to the *wildlife system*. File may contain application, copy of check, license, etc.

D. Retention: two years after final license expiration
[1.18.516.45 NMAC - Rp, 1.18.516.405 NMAC, 01/05/2004]

1.18.516.46 - 1.18.516.50 [RESERVED]

1.18.516.51 LAKE FILES:

A. Program: fish management [law enforcement]
B. Maintenance system: alphabetical by license holders' surnames
C. Description: record concerning the tracking of wildlife conditions and population in the body of water of the license holder. This is a hardcopy input document to the *wildlife system*. The license authorizes the holder to possess, propagate and sell protected fish that reside in a specified body of water. File may contain application, permit, renewal requests, acknowledgement letter, letter to area supervisor for approval signatures, lake's year-end reports, memoranda, correspondence, etc.

D. Retention: five years after license expires
[1.18.516.51 NMAC - Rp, 1.18.516.105 NMAC, 01/05/2004]

1.18.516.52 PROPAGATION PERMIT FILES:

A. Program: wildlife [law enforcement]
B. Maintenance system: alphabetical by permittees' surnames

C. Description: record giving permittee permission to possess, propagate, sell, barter, donate, and exchange game bird species. This is a hardcopy input document to the *wildlife system*. File may contain application, permit, renewal requests, year end reports, memoranda, correspondence, etc.

D. Retention: three years after permit expires
[1.18.516.52 NMAC - Rp, 1.18.516.101 NMAC, 01/05/2004]

1.18.516.53 PARK FILES:

A. Program: wildlife [law enforcement]
B. Maintenance system: alphabetical by license holders' surnames
C. Description: record concerning tracking of wildlife conditions and population within the park of the license holder. This is a hardcopy input document to the *wildlife system*. The license authorizes the holder to possess, propagate and sell protected wildlife species that are contained within the park's fences. File may contain licenses, renewal letters, inspection of game report, inspection of fences report, park's year-end report, copies of invoices, memoranda, correspondence, etc.

D. Retention: 10 years after park closes
[1.18.516.53 NMAC - Rp, 1.18.516.106 NMAC, 01/05/2004]

1.18.516.54 IMPORTATION PERMIT FILES:

A. Program: wildlife [law enforcement]
B. Maintenance system: numerical by permit number
C. Description: records concerning the permits for importation of any protected bird or wildlife species into the state. This is a hardcopy input document to the *wildlife system*. File may contain application, permit, health certificate, United States department of agriculture or United States fish and wildlife service exhibitor or breeder permits, containment or confinement plan, letter of approval, policy statements, *chronic wasting disease free acknowledgement* form, *notarized free of chronic wasting disease declaration* form, memoranda, correspondence, etc.

D. Retention: five years after permit expires
[1.18.516.54 NMAC - Rp, 1.18.516.109 NMAC, 01/05/2004]

1.18.516.55 FALCONER PERMIT FILES:

A. Program: wildlife [law enforcement]
B. Maintenance system: numerical by permittees' surnames
C. Description: record authorizing the permittee to practice the sport of falconry in the state. This is a hardcopy input document to the *wildlife system*. File may contain application, permit, renewal requests, falconry test, mews inspection report, administer exam agreement letter, mews inspection agreement form and letter, letter of acknowledgement, pass or fail letter, *United States fish wildlife services* form [3-186A], annual reports, memoranda, correspondence, etc.

D. Retention: five years after permit expires
[1.18.516.55 NMAC - Rp, 1.18.516.110 NMAC, 01/05/2004]

1.18.516.56 AIRBORNE HUNTING FILES:

A. Program: wildlife [law enforcement]
B. Maintenance system: alphabetical by permit holders' surnames
C. Description: record concerning the tracking of wildlife depletion by means of airborne hunting to reduce predatory attacks or any other wildlife management purpose. This is a hardcopy input document to the *wildlife system*. File may contain application, permit, renewal requests, landowner's or agents consent authorization form, aircraft quarterly reports, memoranda, correspondence, etc.

D. Retention: five years after license expires
[1.18.516.56 NMAC - Rp, 1.18.516.111 NMAC, 01/05/2004]

1.18.516.57 FUR DEALER LICENSE FILES:

A. Program: wildlife [law enforcement]
B. Maintenance system: alphabetical by dealers' names
C. Description: record granting dealer authorization to engage in the business of buying and selling of skins or pelts of any fur-bearing animals (such as muskrat, mink, weasel, beaver, otter, nutria, ringtail cat, raccoon, pine marten, badgers, etc. as defined in Section 17-5-2 NMSA 1978). This is a hardcopy input document

to the *wildlife system*. File may contain application, permit, renewal requests, monthly reports, memoranda, correspondence, etc.

D. Retention: five years after license expires
[1.18.516.57 NMAC - Rp, 1.18.516.112 NMAC, 01/05/2004]

1.18.516.58 ZOO PERMIT FILES:

A. Program: wildlife [law enforcement]
B. Maintenance system: alphabetical by zoo name
C. Description: record concerning the tracking of protected wildlife species conditions and population that reside in a zoo. This is a hardcopy input document to the *wildlife system*. File may contain application, permit, renewal requests, year end reports, proposal letter, approval or denial letter, inspection form, list of all species, sex, number and origin, memoranda, correspondence, etc.

D. Retention: one year after zoo is no longer in operation, then transfer to archives for appraisal and final disposition
[1.18.516.58 NMAC - Rp, 1.18.516.116 NMAC, 01/05/2004]

1.18.516.59 SHOOTING PRESERVE FILES:

A. Program: wildlife [law enforcement]
B. Maintenance system: alphabetical by company name
C. Description: records concerning the authorization to establish and operate a regulated propagated game bird shooting preserves on private lands. Record also tracks the depletion of legally propagated game birds within preserve's boundaries. This is a hardcopy input document to the *wildlife system*. File may contain application, permit, renewal requests, year end reports, annual inspection reports, proposal, boundary inspection letter, memoranda, correspondence, etc.

D. Retention: three years after reserve is no longer in operation
[1.18.516.59 NMAC - Rp, 1.18.516.117 NMAC, 01/05/2004]

1.18.516.60 FIELD TRIAL PERMIT FILES:

A. Program: wildlife [law enforcement]
B. Maintenance system: alphabetical by permittees' surnames
C. Description: record granting permittee authorization to possess, release and kill game birds for the purpose of competence testing and competition in dog training. This is a hardcopy input document to the *wildlife system*. File may contain application, permit, renewal requests, year-end reports, memoranda, correspondence, etc.

D. Retention: three years after permit expires
[1.18.516.60 NMAC - N, 01/05/2004]

1.18.516.61 PROTECTED MAMMAL PERMIT FILES:

A. Program: wildlife [law enforcement]
B. Maintenance system: alphabetical by permittees' surnames
C. Description: records concerning authorization to possess a protected mammal. This is a hardcopy input document to the *wildlife system*. Mammals may be used in conjunction with the field trial permits for training of sport dogs. File may contain application, permit, renewal requests, year-end reports, memoranda, correspondence, etc.

D. Retention: three years after permit expires
[1.18.516.61 NMAC - N, 01/05/2004]
[Currently the permits are only being approved for raccoons.]

1.18.516.62 CALL PEN PERMIT FILES:

A. Program: wildlife [law enforcement]
B. Maintenance system: alphabetical by permittees' surnames
C. Description: record granting permittee authorization to use call pens in the training of dogs. Call pens are used in conjunction with the field trial permits to hold and retrieve legally propagated birds. This is a hardcopy input document to the *wildlife system*. File may contain application, permit, renewal requests, year-end reports, memoranda, correspondence, etc.

D. Retention: three years after permit expires

[1.18.516.62 NMAC - N, 01/05/2004]

1.18.516.63 REHABILITATION PERMIT FILES:

- A. Program:** wildlife [law enforcement]
- B. Maintenance system:** alphabetical by permittees' surnames
- C. Description:** record granting permittee authorization to receive, capture, possess and transport protected wildlife specimens that are sick, injured, or otherwise incapable of surviving in the wild. This is a hardcopy input document to the *wildlife system*. File may contain application, permits, renewal requests, rehabilitation facility's weekly reports and annual reports, permittee lists, hold-over letters, transfer letters, release letters, federal permits, education permits, memoranda, correspondence, etc.
- D. Retention:** three years after close of rehabilitation operations

[1.18.516.63 NMAC - N, 01/05/2004]

1.18.516.64 NUISANCE PERMIT FILES:

- A. Program:** wildlife [law enforcement]
- B. Maintenance system:** alphabetical by company name
- C. Description:** record concerning the authorization to live trap and relocate nuisance fur-bearing species. This is a hardcopy input document to the *wildlife system*. File may contain application, permits, renewal requests, memoranda, correspondence, etc.
- D. Retention:** three years after company closes operations

[1.18.516.64 NMAC - N, 01/05/2004]

1.18.516.65 - 1.18.516.70 [RESERVED]

1.18.516.71 CITATIONS:

- A. Program:** law enforcement
- B. Maintenance system:** numerical by citation number
- C. Description:** records concerning violations of Chapter 17 of NMSA 1978 that may result in revocation of license or permit, or civil damages case. This is a hardcopy input document to the *wildlife system*. File may contain violator's name, address, date of birth, citation number, date of citation, officer issuing citation, type of violation, etc.
- D. Retention:**
 - (1) **law enforcement:** three years after date issued
 - (2) **issuing officer:** one month after end of fiscal year created

[1.18.516.71 NMAC - Rp, 1.18.516.204 NMAC, 01/05/2004]

1.18.516.72 INTERNAL AFFAIR FILES:

- A. Program:** law enforcement
- B. Maintenance system:** alphabetical by officers' surnames
- C. Description:** records concerning investigations into complaints against officers. File may contain complaint letter, authorization to conduct internal investigation, compelled statement form, advice of rights, witness statements (tapes or transcripts), investigator reports, employees disciplinary records, dismissed and or cleared complaints, memoranda, correspondence, letters of findings, etc.
- D. Retention:** six years after complaint is closed
- E. Confidentiality:** records are confidential per Section 14-2-1 NMSA 1978 (i.e. letters of reference concerning employment.)

[1.18.516.72 NMAC - Rp, 1.18.516.104 NMAC, 01/05/2004]

1.18.516.73 GROUP FISHING PERMIT FILES:

- A. Program:** law enforcement
- B. Maintenance system:** alphabetical by facility name
- C. Description:** record granting a special institution or school for handicapped persons to take its clients on a fishing trip of less than one week's duration without the regularly required fishing licenses. This is a hardcopy input document to the *wildlife system*. File may contain application, permit, request letter from facility, pamphlet, memoranda, correspondence, etc.
- D. Retention:** one year after permit expires

[1.18.516.73 NMAC - Rp, 1.18.516.114 NMAC, 01/05/2004]

1.18.516.74 DISPOSITION OF CONFISCATED GAME AND FISH FILES:

- A. **Program:** law enforcement
- B. **Maintenance system:** alphabetical by officers name and number
- C. **Description:** records concerning the confiscation of game and fish in relation to violations of Chapter 17 NMSA 1978. This is a hardcopy input document to the *wildlife system*. File may contain officer's name, violator's name, type of game, location and time of confiscation, disposition of game, etc.
- D. **Retention:** three years after case closed

[1.18.516.74 NMAC - Rp, 1.18.516.202 NMAC, 01/05/2004]

1.18.516.75 CIVIL DAMAGE CASE FILES:

- A. **Program:** law enforcement
- B. **Maintenance system:** alphabetical by suspect's surname
- C. **Description:** records concerning the recovery of judgment through Section 17-2-26 NMSA 1978 Civil Liability. File may contain copy of judgment, copy of citation, receipts, tracking sheet, etc.
- D. **Retention:** three years after close of fiscal year in which final payment is received

[1.18.516.75 NMAC - Rp, 1.18.516.205 NMAC, 01/05/2004]

1.18.516.76 EQUIPMENT FORFEIT FILES:

- A. **Program:** law enforcement
- B. **Maintenance system:** alphabetical by violators surname
- C. **Description:** records concerning the forfeiture and disposition of equipment for violations of hunting and fishing regulations per Section 17-2-20.1 NMSA 1978. This is a hardcopy input document to the *wildlife system*. File may contain *case report*, copy of *arrest record*, copy of *official record-receipt for items seized*, copy of *criminal information and complaint for forfeiture*, copy of *statement of probable cause*, copy of *criminal complaint*, *vehicle seizure form*, *night patrol activity report form*, *additional contents of vehicle*, copy of *evidence seizure tag*, copy of *certificate of vehicle registration*, copy of *voluntary transportation form*, copy of *insurance identification card*, copy of *plea and disposition agreement*, copy of *judgment and order deferring sentencing and order for forfeiture*, copy of voucher, copy of *certificate of title*, copy of *bill of sale*, copy of *auction sales report*, memoranda, correspondence, etc.
- D. **Retention:** six years from date of auction sales report

[1.18.516.76 NMAC - Rp, 1.18.516.206 NMAC, 01/05/2004]

1.18.516.77 GAME AND FISH VIOLATION FILES:

- A. **Program:** law enforcement
- B. **Maintenance system:** alphabetical by officer's name and chronological by report date
- C. **Description:** records concerning investigations into alleged violations of Chapter 17 of NMSA 1978. This is a hardcopy input document to the *wildlife system*. File may contain violation facts, evidence gathered, violator information, witness reports, officer's name investigation notes, memoranda, correspondence, etc.
- D. **Retention:** six years from date of investigation report
- E. **Confidentiality:** portions of file may be confidential per Section 14-2-1 NMSA 1978

[1.18.516.77 NMAC - Rp, 1.18.516.208 NMAC, 01/05/2004]

1.18.516.78 EMERGENCY OPERATOR AND VEHICLE AUTHORIZATION FILES:

- A. **Program:** law enforcement
- B. **Maintenance system:** alphabetical by operator's name
- C. **Description:** records concerning authorization by the department of tax and revenue for a department of game and fish vehicle to be used as an emergency vehicle. File may contain department of tax and revenue authorization letter, memoranda, correspondence, etc.
- D. **Retention:** until final disposition of vehicle

[1.18.516.78 NMAC - Rp, 1.18.516.212 NMAC, 01/05/2004]

1.18.516.79 OPERATION GAME THIEF FILES:

- A. **Program:** law enforcement
- B. **Maintenance system:** numerical by case number

C. Description: records concerning information received from anonymous informants on individuals suspected of or observed committing violations of the department of game and fish laws and rules. This is a hardcopy input document to the *wildlife system*. File may contain ledger accounts for operation game thief fund, case reports, status and disposition of case, memoranda, correspondence, etc.

D. Retention: six years from date of report

E. Confidentiality: portions of file may be confidential per Section 14-2-1 NMSA 1978
[1.18.516.79 NMAC - Rp, 1.18.516.214 NMAC, 01/05/2004]

1.18.516.80 REVOCATION FILES:

A. Program: law enforcement

B. Maintenance system: alphabetical by violators' surnames

C. Description: records concerning the revoking of hunting, fishing, trapping, outfitting or guiding privileges of any person who persistently, flagrantly or knowingly violates or countenances the violation of any of the provisions of Chapter 17 NMSA 1978 or Section 30-14-1 NMSA 1978. This is a hardcopy input document to the *wildlife system*. File may contain: violator's name, address, date of birth; revocation date; reinstatement date; letters regarding the revocation of hunting, fishing, trapping and outfitting, guiding privileges of an individual; reminder letters; notice of contemplated; notice of final decision; certified returned cards; abstract copies of citations; final judgment; etc.

D. Retention: three years from the date of the final decision by the commission
[1.18.516.80 NMAC - N, 01/05/2004]

1.18.516.81 - 1.18.516.90 [RESERVED]

1.18.516.91 FISHING AWARDS FILES:

A. Program: public affairs

B. Maintenance system: alphabetical by species name

C. Description: records concerning game fish caught for the state record. File may contain the application, photo, memoranda, correspondence, etc.

D. Retention: three years after date of presentation
[1.18.516.91 NMAC - Rp, 1.18.516.506 NMAC, 01/05/2004]

1.18.516.92 HUNTER EDUCATION FILES:

A. Program: public affairs

B. Maintenance system: chrono-numerical by date and numerical by class number

C. Description: records concerning classes taken by individuals to comply with hunter education requirements per Section 17-2-33 NMSA 1978. File may contain roster, final report, list of failed students, etc.

D. Retention: 100 years after certificate is issued
[1.18.516.92 NMAC - Rp, 1.18.516.507 NMAC, 01/05/2004]

1.18.516.93 - 1.18.516.95 [RESERVED]

1.18.516.96 FEDERAL AND STATE SCIENTIFIC COLLECTING PERMITS FILES:

A. Program: conservation services

B. Maintenance system: alphabetical by permittees' surnames

C. Description: records concerning the authorization for the collection of protected species for scientific or educational purposes. Permits are issued for a three-year period. This is a hardcopy input document to the *wildlife system*. File may contain application, year-end report, memoranda, correspondence, etc.

D. Retention: 25 years after last year-end report is created, then transfer to archives for appraisal and final disposition.

[1.18.516.96 NMAC - Rp, 1.18.516.314 NMAC, 01/05/2004]

[Permit requirements, exceptions and infractions are outlined in 19.36.2 NMAC Taking and Possession of Protected Wildlife for Scientific and Educational Purposes.]

1.18.516.97 WILDLIFE HABITAT FILES:

A. Program: conservation services

B. Maintenance system: alphabetical by property name

C. Description: records concerning maintenance, repair or improvement to wildlife habitat on department of game and fish owned property. File may contain project agreement, photographs, maps, final reports, correspondence, memoranda, etc.

D. Retention: three years from date of project completion or six years after termination of agreement whichever is longer
[1.18.516.97 NMAC - Rp, 1.18.516.607 NMAC, 01/05/2004]

HISTORY OF 1.18.516 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center under:

SRC Rule No. 87-02, Records Retention and Disposition Schedule for Game and Fish Department, 4-1-87.

SRC Rule 69-23, Records Retention and Disposal Schedule for Game and Fish, 12-10-69.

SRC Rule 70-5, Records Retention and Disposal Schedule for Fish and Wildlife Service, 3-16-70.

History of Repealed Material:

1.18.516 NMAC, ERRDS, Department of Game and Fish, filed 6/21/2002 - Repealed, 01/05/2004