

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 521 ERRDS, ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

1.18.521.1 ISSUING AGENCY: State Commission of Public Records
[1.18.521.1 NMAC - Rp, 1.18.521.1 NMAC, 9/25/2006; A, 04/13/2015]

1.18.521.2 SCOPE: energy, minerals and natural resources department
[1.18.521.2 NMAC - Rp, 1.18.521.2 NMAC, 9/25/2006]

1.18.521.3 STATUTORY AUTHORITY: Public Records Act, Section 14-3-1 et seq. NMSA 1978
[1.18.521.3 NMAC - Rp, 1.18.521.3 NMAC, 9/25/2006; A, 7/23/2012; A, 04/13/2015]

1.18.521.4 DURATION: Permanent
[1.18.521.4 NMAC - Rp, 1.18.521.4 NMAC, 9/25/2006]

1.18.521.5 EFFECTIVE DATE: 9/25/2006, unless a later date is cited at the end of a section.
[1.18.521.5 NMAC - Rp, 1.18.521.5 NMAC, 9/25/2006]

1.18.521.6 OBJECTIVE: To establish a records retention schedule for the orderly management, retention, disposition and preservation of records necessary for carrying out the Public Records Act, Section 14-3-1 et seq. NMSA 1978.
[1.18.521.6 NMAC - Rp, 1.18.521.6 NMAC, 9/25/2006; A, 07/23/2012; A, 04/13/2015]

1.18.521.7 DEFINITIONS: For general definitions applicable to all agencies refer to 1.15.1.7 NMAC.
[1.18.521.7 NMAC - Rp, 1.18.521.7 NMAC, 9/25/2006; A, 07/23/2012; A, 04/13/2015]

1.18.521.8 ABBREVIATIONS AND ACRONYMS: For general abbreviations and acronyms applicable to all agencies refer to 1.15.1.8 NMAC.

- A. "LEED" stands for leadership in energy and environmental design.
- B. "SBTC" stands for sustainable building tax credit.
- C. "SSN" stands for social security number.

[1.18.521.8 NMAC - N, 07/23/2012; A, 12/31/2012; A, 04/13/2015]

1.18.521.9 INSTRUCTIONS: For general instructions applicable to all agencies refer to 1.15.1.9 NMAC.
[1.18.521.9 NMAC - Rp, 1.18.521.9 NMAC, 9/25/2006; A, 7/23/2012; A, 12/31/2012; A, 04/13/2015]

1.18.521.10 - 1.18.521.12 [RESERVED]

1.18.521.13 OIL CONSERVATION DIVISION (OCD) IMAGING SYSTEM:

A. **Program:** oil conservation
B. **Maintenance system:** numerical by primary key
C. **Description:** web-based imaging system maintains well files, well logs, hearing case files, regulation orders, and permits. Data may include document type, date scanned, and image identification number, imaged copy of document, etc.

D. **Data retention:**
(1) **Metadata:** permanent
(2) **Well files (copy of image):** permanent
(3) **Hearing case files (copy of image):** permanent, then transfer to archives 10 calendar years after hearing case file completed
(4) **Regulation orders (copy of image):** permanent, then transfer to archives 10 calendar years after regulation order completed

E. **Input:** Portions of the metadata are keyed in by the operator. Input is also from 1.18.521.14 NMAC, *oil conservation division (ocd) online electronic permitting system.*

F. Output: Because the oil conservation division *imaging system* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. Some of these reports include *well files, well logs, hearing case files, regulation orders, permits, etc.*

[1.18.521.13 NMAC - N, 5/14/2007]

[See 1.13.3.12 NMAC Permanent electronic records maintained by the custodial agency for the management of electronic records.]

1.18.521.14 OIL CONSERVATION DIVISION (OCD) ONLINE ELECTRONIC PERMITTING

SYSTEM:

A. Program: oil conservation

B. Maintenance system: numerical by multiple keys

C. Description: system records, captures, validates, maintains, and updates permits to drill, well location plats, tax incentive permits, changes of well operators, and drilling and cement information. Data includes, name of well operator, type of well, location of well, user identification, application for permit to drill, acreage plat and dedication, sundries, operator change function, operators' statistics, etc.

D. Data retention: until transferred to 1.18.521.13 NMAC, *oil conservation division (ocd) imaging system* or until superseded

E. Input: All data is keyed into *oil conservation division online electronic permitting system*.

F. Output: Because the *oil conservation division online electronic permitting system* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. The system generates electronic permits. The system is also input to 1.18.521.13 NMAC, *oil conservation division (ocd) imaging system*. Some of these reports include *lists of wells, lists of permits, etc.*

[1.18.521.14 NMAC - N, 5/14/2007]

[See 1.13.3.12 NMAC Permanent electronic records maintained by the custodial agency for the management of electronic records.]

1.18.521.15 RISK-BASED DATA MANAGEMENT SYSTEM:

A. Program: oil conservation

B. Maintenance system: numerical by multiple keys

C. Description: system that records information about wells, well inspections, violations, regulation orders, facilities, and hearings. Data may include case number, hearing order number, order type and number, well identification number, etc.

D. Data retention: 50 calendar years after well is plugged or facility is closed

E. Input: All records used as input for the *risk-based data management system* are filed in the *well files, hearing case files* and *regulation orders, etc.* Other data is keyed entered as a result of inspections of wells, responses to violations, requests for exceptions, or case information.

F. Output: Because the *risk-based data management system* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. Some of these reports include *lists of wells, inspection schedules, well status information, case information, etc.*

[1.18.521.15 NMAC - N, 5/14/2007]

[See 1.13.3.12 NMAC Permanent electronic records maintained by the custodial agency for the management of electronic records.]

1.18.521.16 HEARING CASE FILES:

A. Program: oil conservation

B. Maintenance system: chronological by calendar year, then numerical by case number

C. Description: records concerning hearings before the oil conservation commission on requests by oil, gas, or refinery operators regarding the commission's rules. File may contain request for hearing, agenda, transcripts of hearings, exhibits, commission's authorizations, testimonies, copy of docket, copies of evidence, locations, miscellaneous research materials, recommendations, extensions, requests, rule exceptions, time frames, summary of hearing case, etc.

D. Retention: permanent, transfer to archives 10 calendar years after hearing is completed

[1.18.521.16 NMAC - Rp, 1.18.521.121 NMAC, 9/25/2006]

1.18.521.17 REGULATION ORDERS:

A. Program: oil conservation

- B. Maintenance system:** chronological by calendar year, then numerical by order number
- C. Description:** orders issued by the oil conservation commission upon the conclusion of a hearing. Orders concern the change of operator, compulsory pooling, unit agreement, operation authorizations, nomenclature, compliance orders, amendments, compliances, and other related issues, etc.
- D. Retention:** permanent, transfer to archives 10 calendar years after regulation order is completed [1.18.521.17 NMAC - Rp, 1.18.521.108 NMAC, 9/25/2006]

1.18.521.18 REGULATION ORDER PROGRESSION SHEET:

- A. Program:** oil conservation
- B. Maintenance system:** chronological by calendar year, then numerical by order number
- C. Description:** sheet used to track succession of issued regulation orders. Sheet may contain regulation order number, name of company, date order issued, order description, signature dates, etc.
- D. Retention:** permanent, transfer to archives 10 years from the end of the calendar year in which regulation order was issued [1.18.521.18 NMAC - Rp, 1.18.521.105 NMAC, 9/25/2006]

1.18.521.19 WELL BONDS FILES:

- A. Program:** oil conservation
- B. Maintenance system:** chronological by bond release or letter of credit date, then alphabetical by name of operator
- C. Description:** records concerning bonds that are held to insure the certified plugging of a well. File may contain *blanket plugging bond form*, surety bonds, cash bonds, letter of credit, letter to operator, correspondence, etc.
- D. Retention:** 10 calendar years after release of bond or letter of credit [1.18.521.19 NMAC - Rp, 1.18.521.101 NMAC, 9/25/2006]

1.18.521.20 WELL PLUGGING DEMANDS CONTRACT FILES:

- A. Program:** oil conservation
- B. Maintenance system:** chronological by calendar year, then numerical by contract number
- C. Description:** records concerning state efforts to plug wells that operators failed to complete pursuant to the compliance of certified plugging rules per 19.15.4 NMAC. File may contain contract, invitation for bid, acceptance of bid, request for proposal, issue of order, invoice, correspondence, etc.
- D. Retention:** 10 calendar years after reimbursement of funds from oil operator [1.18.521.20 NMAC - Rp, 1.18.521.212 NMAC, 9/25/2006]

1.18.521.21 ADMINISTRATIVE ORDER FILES:

- A. Program:** oil conservation
- B. Maintenance system:** chronological by calendar year, then alphabetical by type of exception
- C. Description:** records concerning administrative orders issued without a hearing regarding requests for exceptions to the rules of the oil conservation division. File may contain requests for exceptions, administrative orders, correspondence, etc.
- D. Retention:** permanent, transfer to archives 10 calendar years after exception is granted [1.18.521.21 NMAC - Rp, 1.18.521.122 NMAC, 9/25/2006]

1.18.521.22 - 1.18.521.23 [RESERVED]

1.18.521.24 LAND CONSERVATION INCENTIVES TAX CREDIT CERTIFICATION FILES:

- A. Program:** forestry
- B. Maintenance system:** chronological by date, then alphabetical by entity name or surname
- C. Description:** records documenting the application, review and certification of land conservation incentives tax credit eligibility for private landowners. Files may include applications (e.g., *land conservation incentives act tax credit assessment application form*, *land conservation incentives act tax credit certification of eligibility application*, etc.), property photos, maps, tax statement, copy of conservation easement or deed of record, property appraisal, recognition of exemption certification, copy of title insurance, copy of title opinion, copy of non-cash charitable contribution form, geologist report, taxation and revenue department appraisal review, copy of approval or denial letter, correspondence, etc.

D. Retention:

(1) **Application files:** 20 years from close of tax year from date of approval letter, then transfer to archives for final review and disposition

(2) **Withdrawn or denied applications:** three years from date withdrawn or denied

E. Confidentiality: Portions of this file may be confidential.

[1.18.521.24 NMAC - N, 04/13/2015]

1.18.521.25 TIMBER HARVEST PERMIT DATABASE:

A. Program: forestry

B. Maintenance system: numerical by primary key

C. Description: database tracks the issuance of permits to harvest timber on non-municipal or non-federal lands. Information may include applicant data (e.g., phone number, e-mail address, acreage of property, etc.), permit data (e.g., permit number, date permit issued, date permit expires, etc.), inspection of sales data, etc.

D. Data retention: 10 years from date expiration or termination of permit

E. Input: Records used as input to the *timber harvest permit database* are filed in the corresponding *timber harvest permit files*, 1.18.521.32 NMAC.

F. Output: Ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity.

[1.18.521.25 NMAC - N, 04/13/2015]

1.18.521.26 FIRE MANAGEMENT DATABASE:

A. Program: forestry

B. Maintenance system: numerical by primary key

C. Description: database tracks and maintains information regarding forest fires and firefighting resources. Information may include fire location data, fire data (e.g., acreage, cause or source of the fire, start date, containment date, cost to date, number of injuries, number of fatalities, type of damage, estimates of cost, control date, closure date, etc.), fire resource data, reimbursable funds data, etc.

D. Data retention: permanent

E. Confidentiality: Portions of this file may be confidential.

F. Input: Records used as input to the *fire management database* are direct input transmitted on location.

G. Output: Ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity.

[1.18.521.26 NMAC - N, 5/14/2007; A, 04/13/2015]

1.18.521.27 EMPLOYEE CERTIFICATION DATABASE:

A. Program: forestry

B. Maintenance system: numerical by primary key

C. Description: database tracks and monitors the training requirements and certification history of seasonal and specialized employees. Information may include application data, courses attended data, medical history data, fire assignment history data, physical fitness test result data, volunteer agreement data, task book in progress data, etc.

D. Data retention:

(1) **Certification data:** 10 years from date last employed

(2) **Non-certified or withdrawn applicant data:** two years from date of last exam or withdrawn application

E. Confidentiality: Portions of this file may be confidential.

F. Input: Records used as input to the *employee certification database* are filed in the corresponding *employee certification files*, 1.18.521.29 NMAC.

G. Output: Ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity.

[1.18.521.27 NMAC - N, 5/14/2007; A, 04/13/2015]

1.18.521.28 [RESERVED]

[1.18.521.28 NMAC - Rp, 1.18.521.306 NMAC, 9/25/2006; Repealed, 04/13/2015]

1.18.521.29 EMPLOYEE CERTIFICATION FILES:

A. Program: forestry
B. Maintenance system: chronological by date, then alphabetical by surname
C. Description: records documenting the application and certification history of seasonal and specialized employees. Portions of this record are input to the *employee certification database*, 1.18.521.27 NMAC. Files may include application, emergency contact form, copy of certifications (e.g., cardio pulmonary resuscitation, emergency medical technician, fire prevention, etc.), *seasonal worker form*, medical self-disclosure form, task list (e.g., non-technician, air resource advisor, fire line emergency medical technician, fire cache manager, air tanker base specialist, etc.), physical fitness test results, task book in progress print-outs, correspondence, etc.

D. Retention:
(1) Certification files: 10 years from date last employed
(2) Non-certified or withdrawn applicant files: two years from date of last exam or withdrawn application

E. Confidentiality: Portions of the file may be confidential.
[1.18.521.29 NMAC - N, 9/25/2006; A, 04/13/2015]

1.18.521.30 [RESERVED]

[1.18.521.30 NMAC - N, 9/25/2006; Repealed, 04/13/2015]

[Repealed Section 1.18.521.30 NMAC, *fire training files* refer to Section 1.18.521.29 NMAC, *employee certification files*]

1.18.521.31 [RESERVED]

[1.18.521.31 NMAC - Rp, 1.18.521.304 NMAC, 9/25/2006; Repealed, 04/13/2015]

1.18.521.32 TIMBER HARVEST PERMIT FILES:

A. Program: forestry
B. Maintenance system: chronological by date, then numerical by permit number
C. Description: records documenting the application and issuance of permits allowing individuals to harvest timber on non-municipal or non-federal lands. Portions of this record are input to the *timber harvest permit database*, 1.18.521.25 NMAC. Files may include permit application, copy of property deed, copy of *inspection of sales* form, correspondence, etc.

D. Retention: 10 years from date of expiration or termination of permit
[1.18.521.32 NMAC - N, 9/25/2006; A, 04/13/2015]

1.18.521.33 FORESTRY SEEDLING DATABASE:

A. Program: forestry
B. Maintenance system: numerical by primary key
C. Description: database tracks and maintains information regarding customer orders and inventory of tree seedlings. Information may include customer data (e.g., address, phone number, payment information, etc.), seedling type data, quantity ordered data, order number data, total of seedlings in stock data, etc.

D. Data retention:
(1) Customer data: six years from close of fiscal year from date order is completed
(2) Inventory data: six years from date item is no longer part of inventory
E. Confidentiality: Portions of this file may be confidential.
F. Input: Records used as input to the *forestry seedling database* are filed in the corresponding *forestry seedling order forms*, 1.18.521.34 NMAC.

G. Output: Ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity.
[1.18.521.33 NMAC - N, 5/14/2007; A, 04/13/2015]

1.18.521.34 FORESTRY SEEDLING ORDER FORMS:

A. Program: forestry
B. Maintenance system: chronological by fiscal year, then numerical by order number
C. Description: records documenting the sale and purchase of tree seedlings. Portions of this record are input to the *forestry seedling database*, 1.18.521.33 NMAC. Forms may show customer name, address, phone number, payment information, seedling type, quantity ordered, order number, etc.

- D. **Retention:** six years from close of fiscal year from date order completed
 - E. **Confidentiality:** Portions of this file may be confidential.
- [1.18.521.34 NMAC - N, 5/14/2007; A, 04/13/2015]

1.18.521.35 FIRE BILLING AND REIMBURSEMENT FILES:

- A. **Program:** forestry
- B. **Maintenance system:** chronological by federal fiscal year
- C. **Description:** records documenting billings and reimbursements to and from the federal government for fires on public lands. Files may include employee fire time reports, resource orders, administratively determined time reports, general ledger information, request for reimbursement, fire expenditure documentation, journal entry information, correspondence, etc.

- D. **Retention:** 10 years from close of federal fiscal year in which created
- [1.18.521.35 NMAC - N, 12/31/2012; A, 04/13/2015]

1.18.521.36 [RESERVED]

1.18.521.37 [RESERVED]

[1.18.521.37 NMAC - Rp, 1.18.521.268 NMAC, 9/25/2006; Repealed, 04/13/2015]

1.18.521.38 [RESERVED]

[1.18.521.38 NMAC - N, 9/25/2006; Repealed, 04/13/2015]

1.18.521.39 [RESERVED]

[1.18.521.39 NMAC - N, 9/25/2006; Repealed, 04/13/2015]

1.18.521.40 [RESERVED]

[1.18.521.40 NMAC - Rp, 1.18.521.279 NMAC, 9/25/2006; Repealed, 04/13/2015]

1.18.521.41 ENERGY CONSERVATION TAX INCENTIVE CERTIFICATION FILES:

- A. **Program:** energy conservation and management
- B. **Maintenance system:** chronological by tax year, then numerical by project number
- C. **Description:**
 - (1) **Renewable production energy tax credit:** records documenting the issuance of a certificate to eligible applicants to receive the renewable energy tax credit. Files may include renewable energy production tax credit application, map showing project site, map of facility showing layout of major equipment and indicating type and size of equipment, manufacturer specification sheet and performance characteristics of energy conversion equipment, detailed calculation of estimated annual production in a typical year, copy of land rights agreements, copy of interconnection agreement or system impact study agreement, copy of power purchase agreement; project finance agreement or evidence of self-financing, correspondence, etc.
 - (2) **Sustainable building tax credit:** records documenting the issuance of a certificate to eligible applicants to receive the sustainable building tax credit. Portions of this record are input to the *sustainable and solar market development tax credit database*, 1.18.521.42 NMAC. Files may include SBTC request form, SBTC application form, copy of warranty deed, copy of property tax bill or copy of ground lease, copy of leadership in energy and environmental design or building green New Mexico certification form, copy of final leadership in energy and environmental design (LEED) project summary, copy of final LEED checklist, copy of final LEED optimize energy performance template signed by a New Mexico licensed design professional, copy of home energy rating system reports including home energy rating system certification, energy star home report, building file report and performance summary, correspondence, etc.
 - (3) **Solar market development tax credit:** records documenting the issuance of a certificate to eligible applicants to receive the solar market development tax credit. Portions of this record are input to the *sustainable and solar market development tax credit database*, 1.18.521.42 NMAC. Files may include solar system certification application, copy of current property tax bill, copy of itemized equipment and labor costs for system, copy of solar energy design schematic and technical specifications, manufacturer of supplier of system components and their model numbers, collector aperture, freeze protection description, overheating protection description, correspondence, etc.

(4) **Geothermal ground-coupled heat pump tax credit:** records documenting the issuance of a certificate to eligible applicants to receive the geothermal ground-coupled heat pump tax credit. Files may include geothermal ground-coupled heat pump system certification application, copy of property tax bill for residence, business or agricultural enterprise where system is located, copy of invoice of itemized equipment and labor costs for system, copy of system design, photo of system after installation, copies of manufacturer of supplier of system components and their model numbers, documentation of installers international ground source heat pump certification geothermal ground-coupled heat pump system installation form, correspondence, etc.

(5) **Agricultural biomass tax credit:** records documenting the issuance of a certificate to eligible applicants to receive the agricultural biomass tax credit. Files may include application form (i.e., applicant name, SSN, name of agricultural biomass production facility and location, description of dairy or feedlot operation, description and photos of equipment used to collect and transport agricultural biomass, dated weigh tickets for each truckload, totalizing flow-meter readings for pumps that are pumping biomass to the qualified facility, description of qualified facility to which biomass was transported, correspondence, etc.

(6) **Biofuel blending facility tax credit:** records documenting the issuance of a certificate to eligible applicants to receive the biofuel blending facility tax credit. Files may include application for biodiesel blending facility certificate of eligibility, copy of proof of rack ownership and current lease of deed to the taxpayer for the business where the blending facility is located, copy of design schematic and related installation and construction documentation, list of equipment specifications and serial numbers, list of storage and blending capacities and number of storage tanks, description of operation, copy of construction permit, copy of environmental protection agency related plans with engineer's stamp, copy of written final inspection approval, evidence of equipment purchase and installation, correspondence, etc.

D. Retention: 10 years from close of tax year in which all applicable tax credits have been exhausted

E. Confidentiality: Portions of this record may be confidential.
[1.18.521.41 NMAC - N, 12/31/2012; A, 04/13/2015]

1.18.521.42 SUSTAINABLE AND SOLAR MARKET DEVELOPMENT TAX CREDIT DATABASE:

A. Program: energy conservation and management

B. Maintenance system: numerical by primary key

C. Description: database tracks and maintains information regarding tax credits issued to eligible applicants for sustainable building and solar market development. Information may include applicant data (e.g., name, SSN, etc.), external reviewer data (e.g., build green New Mexico council and United States green building council), development data, credit data (e.g., approval, denial, amount of credit, certificate number, etc.) etc.

D. Data retention: 10 years from close of tax year in which all applicable tax credits have been exhausted

E. Confidentiality: Portions of this record may be confidential.

F. Input: Records used as input to the *sustainable and solar market development tax credit database* are filed in the corresponding *energy conservation tax incentive certification files*, 1.18.521.41 NMAC.

G. Output: Ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity.
[1.18.521.42 NMAC - N, 04/13/2015]

1.18.521.43 LAND AND WATER CONSERVATION FUND DATABASE:

A. Program: parks

B. Maintenance system: numerical by primary key

C. Description: database maintains, monitors, tracks and calculates data on land and water conservation fund projects. Data includes name of project, project type (i.e., hiking trails, picnic area, playgrounds, multipurpose fields, etc.), location of project, project grant funding amounts, project inspection report (land and water conservation fund post-completion inspection report form (Rev. 1-07-00), project sponsor, etc.

D. Retention: 25 calendar years after project completion

E. Input: All documents used as input for the *land and water conservation fund database* are filed in *state parks project files* and *land acquisition files*.

F. Output: Because the *land and water conservation fund database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. Some of these reports include *grant summary report*, *inspection report*, etc.
[1.18.521.43 NMAC - N, 5/14/2007]

1.18.521.44 RECREATIONAL TRAILS PROGRAM DATABASE:

- A. **Program:** parks
 - B. **Maintenance system:** numerical by primary key
 - C. **Description:** database maintains, monitors and tracks data on trail projects. Data includes name of trail project, location of trail project, trail project funding amounts, trail project inspection report, trail project sponsor, etc.
 - D. **Retention:** 25 calendar years after project completion
 - E. **Input:** All documents used as input for the *recreational trails program database* are filed in *state parks project files* and *land acquisition files*.
 - F. **Output:** Because the *recreational trails program database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. Some of these reports include *inspection report, search trail project report, etc.*
- [1.18.521.44 NMAC - N, 5/14/2007]

1.18.521.45 PARKS DATABASE:

- A. **Program:** parks
 - B. **Maintenance system:** numerical by primary key
 - C. **Description:** database maintains, monitors, tracks and calculates data on inspections and revenue generated by concessionaires contracted by state parks. Data includes revenue amount, contract number, renters' name, facility location, facility description, etc.
 - D. **Retention:** six fiscal years after termination of contract
 - E. **Input:** The document used as input for the *parks database* is filed in the *concessionaire agreement and function files*.
 - F. **Output:** Because the *parks database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. Some of these reports include *annual concessionaires revenue reports, concessionaires by park report, etc.*
- [1.18.521.45 NMAC - N, 5/14/2007]

1.18.521.46 CONCESSIONAIRE AGREEMENT AND FUNCTION FILES:

- A. **Program:** state parks and recreation
 - B. **Maintenance system:** chronological by calendar year, then alphabetical by business name
 - C. **Description:** records concerning agreements regarding private businesses operating on state property. Files may contain agreements, amendments, bonds, insurance policies, mailing lists, news clippings, brochures, service descriptions, price lists, correspondence, etc.
 - D. **Retention:** six calendar years after termination of agreement
- [1.18.521.46 NMAC - Rp, 1.18.521.376 NMAC, 9/25/2006]

1.18.521.47 COMMENDATION AND COMPLAINT FILES:

- A. **Program:** state parks and recreation
 - B. **Maintenance system:** chronological by fiscal year, then by date of occurrence
 - C. **Description:** records concerning patron comments on park facilities, staff or grounds. Files may contain referrals, recommendations, correspondence, etc.
 - D. **Retention:** two years after close of fiscal year in which received
- [1.18.521.47 NMAC - Rp, 1.18.521.378 NMAC, 9/25/2006]

1.18.521.48 STATE PARKS HISTORICAL FILES:

- A. **Program:** state parks and recreation
 - B. **Maintenance system:** chronological by calendar year, then alphabetical by park name
 - C. **Description:** records concerning park descriptions pertaining to park origin. File may contain maps, photographs, proclamations, correspondence, etc.
 - D. **Retention:** permanent, transfer to archives 10 calendar years after file is created
- [1.18.521.48 NMAC - Rp, 1.18.521.381 NMAC, 9/25/2006]

1.18.521.49 STATE PARKS PROJECT FILES:

- A. **Program:** state parks and recreation

- B. Maintenance system:** chronological by calendar year, then alphabetical by project name
- C. Description:** records concerning capital improvement projects related to state parks (i.e., facilities, trails, etc.). Files may contain contracts, plans, photographs, maps, correspondence, etc.
- D. Retention:** permanent, transfer to archives 10 calendar years after termination of contract
[1.18.521.49 NMAC - Rp, 1.18.521.382 NMAC, 9/25/2006]

1.18.521.50 LAND ACQUISITION FILES:

- A. Program:** state parks and recreation
- B. Maintenance system:** chronological by calendar year, then alphabetical by state park
- C. Description:** records pertaining to the acquisition of buffer land around a state park. Files may contain deeds, descriptions, rights of way, leases, agreements, surveys, maps, title abstracts, studies, correspondence, etc.
- D. Retention:** permanent, transfer to archives 10 calendar years after buffer land is declared
[1.18.521.50 NMAC - Rp, 1.18.521.383 NMAC, 9/25/2006]

1.18.521.51 LAW ENFORCEMENT OFFENSE OR BOATING ACCIDENT REPORTS:

- A. Program:** state parks and recreation
- B. Maintenance system:** chronological by calendar year, then alphabetical by state park, then by incident type
- C. Description:** records concerning offenses or boating accidents. Reports may contain reporting officer name, incident type, incident location, complainants, victims name and address, criminal damage, approving officer, name and address of vessel operator, vessel information, names of persons involved, accident or offense date, etc.
- D. Retention:** 10 calendar years after date of report
- E. Confidentiality:** Portions of the records may be confidential per 5 USC Section 552a (i.e., social security number).
[1.18.521.51 NMAC - Rp, 1.18.521.388 NMAC, 9/25/2006]

1.18.521.52 LAW ENFORCEMENT PARK RANGER AND INTERNAL AFFAIRS INVESTIGATIVE FILES:

- A. Program:** state parks and recreation
- B. Maintenance system:** chronological by calendar year, then alphabetical by surname
- C. Description:** records documenting the preliminary application investigation process of applicants for employment as certified law enforcement park rangers, records pertaining to certified law enforcement park rangers, and records pertaining to investigations of alleged misconduct by employees who are certified law enforcement park rangers. Files may include applicant or employee history (i.e., name, date of birth, address, telephone numbers, social security number, references, relatives, education, employment history, military service, etc.), training academy schedules, documented standards of training, firearm qualifications, defense equipment authorizations, officers register, notice of graduation, assigned badge number documentation, firing equipment cards, fingerprint cards and background investigations, criminal history report, medical history and physical agility evaluations, psychological evaluations, suspension or revocation of law enforcement authority documentation, investigations of alleged employee misconduct including date of allegations, complaints, investigative reports, witness statements, evidence, findings, correspondence, etc.
- D. Retention:**
 - (1) **Hired:** 10 years from date certified park ranger leaves agency
 - (2) **Not hired:** 10 years from date application denied
- E. Confidentiality:** Portions of this record are confidential pursuant, but not limited to Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime"), 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., medical information), Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (1996) (i.e., health information), and 28 CFR 50.12 (b) Exchange of FBI identification records.
[1.18.521.52 NMAC - Rp, 1.18.521.390 NMAC, 9/25/2006; N, 7/23/2012]

1.18.521.53 CITATIONS:

- A. Program:** state parks and recreation

- B. Maintenance system:** chronological by calendar year, then alphabetical by state park, then numerical by citation number
 - C. Description:** records concerning violations in state parks. Citation may contain defendant name and address, date, violation, issuing officer, officer identification, citation number, etc.
 - D. Retention:** three calendar years after date of citation
 - E. Confidentiality:** Portions of the records may be confidential per 5 USC Section 552a (i.e., social security number).
- [1.18.521.53 NMAC - Rp, 1.18.521.392 NMAC, 9/25/2006]

1.18.521.54 ANNUAL DAY, SPECIAL USE AND CONCESSION PERMIT FILES:

- A. Program:** state parks and recreation
 - B. Maintenance system:** chronological by fiscal year, then alphabetical by park name, then by date of permit
 - C. Description:** records concerning one day special activities or events in state parks. Files may contain *New Mexico state parks annual day-use pass, special use and concession permit*, correspondence, etc.
 - D. Retention:** three fiscal years after date of permit issuance
- [1.18.521.54 NMAC - Rp, 1.18.521.393 NMAC, 9/25/2006]

1.18.521.55 - 1.18.521.60 [RESERVED]

1.18.521.61 ABANDONED MINE LAND PROGRAM FILES:

- A. Program:** mining
 - B. Maintenance system:** alphabetical by mine reclamation project name
 - C. Description:** records concerning the safeguarding and reclamation of abandoned mine lands. Files may contain background information, environmental assessments, realty information, pre-construction contracts, minutes of public meetings, invitation for bids, construction bids, construction contracts, construction reports, post-construction information and reports, locations of area, photos, maintenance, reimbursement documentation, correspondence, etc.
 - D. Retention:** permanent, transfer to archives 10 calendar years after project or file closure
- [1.18.521.61 NMAC - Rp, 1.18.521.346 NMAC, 9/25/2006]

1.18.521.62 EXPLORATION AND GENERAL PERMIT FILES:

- A. Program:** mining
 - B. Maintenance system:** chronological by calendar year, then alphabetical by mine name
 - C. Description:** records concerning the approvals for mining. Files may contain application, studies, inspection reports, agency and public comments, approval documentation, enforcement documentation, correspondence, etc.
 - D. Retention:** permanent, then transfer to archives 10 calendar years after completion of exploration mining or mine closure
- [1.18.521.62 NMAC - N, 9/25/2006]

1.18.521.63 SUBMITTAL REPORTS FILES:

- A. Program:** mining
 - B. Maintenance system:** chronological by calendar year, then alphabetical by mine name
 - C. Description:** records concerning scientific and technical evaluations of mines. Files may contain older submittal reports, technical reports, work plans, evaluations, correspondence, etc.
 - D. Retention:** permanent, then transfer to archives 10 calendar years after evaluation
- [1.18.521.63 NMAC - N, 9/25/2006]

1.18.521.64 HARD ROCK FILES:

- A. Program:** mining
- B. Maintenance system:** chronological by calendar year, then alphabetical by county name, then numerical by permit number
- C. Description:** records concerning the approval of hard rock permits, related enforcement actions, and related bonding and financial assurance information. Files may contain mine permit applications, exploration and general permit applications, annual reports, inspection reports, permit approval documents, exploration

approvals, issuance documents, mine plans and amendments to plans, inspection reports, notices of violations, bonding and financial assurance documentation, certificates of insurance, certificates of deposits, third party guarantees, letters of credit, surety bonds, collateral, records concerning environmental, scientific and technical data related to reclamation of mines, work plans, technical reports, correspondence, etc.

D. Retention: transfer to archives for appraisal and final disposition 25 calendar years after permit termination or release of bond or 10 calendar years after permit or agency closure of file.
[1.18.521.64 NMAC - Rp, 1.18.521.360 NMAC, 9/25/2006; A, 5/14/2007]

1.18.521.65 COAL MINE FILES:

A. Program: mining

B. Maintenance system: chronological by calendar year, then alphabetical by county name, then numerical by permit number

C. Description: records concerning the approval of coal mine permits, related enforcement actions, and related bonding and financial assurance information. Files may contain mine and exploration permit applications, annual reports, inspection reports, permit approval documents, exploration approvals, issuance documents, mine plans and amendments to plans, notices of violations, inspection reports, bonding and financial assurance documentation, certificates of insurance, certificates of deposits, third party guarantees, letters of credit, surety bonds, collateral, records concerning environmental, scientific and technical data related to reclamation of mines, work plans, technical reports, correspondence, etc.

D. Retention: transfer to archives for appraisal and final disposition 25 calendar years after permit termination or release of bond or 10 calendar years after permit or agency closure of file.
[1.18.521.65 NMAC - Rp, 1.18.521.360 NMAC, 9/25/2006; A, 5/14/2007]

1.18.521.66 ENFORCEMENT FILES (FORMERLY CALLED NOTICE OF VIOLATION):

A. Program: mining

B. Maintenance system: chronological by calendar year, then alphabetical by county name, then numerical by permit number

C. Description: records concerning notices of violations for mine operations. Files may contain notice of violation (permit number, date and inspection report, nature of violation, provisions, portion of the operation to which notice applies, time of abatement, etc.), correspondence, etc.

D. Retention: permanent, then transfer to archives 10 calendar years after satisfactory completion of enforcement
[1.18.521.66 NMAC - N, 9/25/2006]

1.18.521.67 MINING COMMISSIONS PETITIONS FILES:

A. Program: mining

B. Maintenance system: chronological by calendar year, then numerical by petition number

C. Description: records concerning private or public sector petitions to the New Mexico mining commission or New Mexico coal surface mining commission for changes or interpretations of the rules. Files may include records from New Mexico mining commission, New Mexico coal surface mining commission, petitions, correspondence, etc.

D. Retention: permanent, then transfer to archives 25 calendar years after final action on petition
[1.18.521.67 NMAC - N, 9/25/2006]

1.18.521.68 RECONNAISSANCE REPORT FILES:

A. Program: mining

B. Maintenance system: alphabetical by mine name

C. Description: records concerning the reconnaissance of mine openings in a geographic area. File may contain reconnaissance reports, maps, photos, correspondence, etc.

D. Retention: permanent, then transfer to archives 10 calendar years after report submitted
[1.18.521.68 NMAC - Rp, 1.18.521.348 NMAC, 9/25/2006]

1.18.521.69 MINE, MILL, SMELTER REGISTRATION FORM:

A. Program: mining

B. Maintenance system: chronological by calendar year, then alphabetical by county name, then by mine name

C. Description: records concerning registered operators of mines, mills, or smelters on private or public lands. File may contain plat or standard United States geological survey topographic map sheets, type of commodity produced or sought, written description of location of operation, specific directions to site of operation, correspondence, etc.

D. Retention: permanent, then transfer to archives 10 calendar years after date of closure
[1.18.521.69 NMAC - N, 9/25/2006]

1.18.521.70 ANNUAL REPORT FILES (FORMS 3-11):

A. Program: mining
B. Maintenance system: chronological by calendar year, then alphabetical by county name, then by mine name

C. Description: records concerning annual statistical information from every active mining operation (except on Indian land). File may contain contact information, status, commodity(s) mined, employees payroll, infrastructure improvements, production, production value, correspondence, etc.

D. Retention: permanent, then transfer to archives 10 calendar years after submittal date
[1.18.521.70 NMAC - N, 9/25/2006]

1.18.521.71 SUSPENSION AND SAFEGUARDING FILES (FORM 12 AND 13):

A. Program: mining
B. Maintenance system: chronological by calendar year, then alphabetical by county name, then by mine name

C. Description: records concerning suspension and safeguarding notice to the operator. Files may contain *notice of intent to suspend operations* (forms 12 and 13), correspondence, etc.

D. Retention: permanent, transfer to archives 25 calendar years after date of notice
[1.18.521.71 NMAC - Rp, 1.18.521.366 and 1.18.521.367 NMAC, 9/25/2006]

1.18.521.72 MINE REGISTRATION DATABASE:

A. Program: mining
B. Maintenance system: numerical by primary key
C. Description: database maintains, monitors and tracks mines that are required to register. Data includes name of mine, location of mine, type of mine (i.e., commodity production), size of mine, name of mine operator, annual reporting data, maps, etc.

D. Retention: 25 calendar years after registration is cancelled

E. Input: All documents used as input for the *mine registration database* are filed in *exploration and general permit files* and *hard rock files*.

F. Output: Because the *mine registration database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. Some of these reports include *annual mine registration report*, *mine type by area report*, etc.

[1.18.521.72 NMAC - N, 5/14/2007]

1.18.521.73 COAL DATABASE:

A. Program: mining
B. Maintenance system: numerical by primary key
C. Description: database maintains, monitors and tracks the status of coal mines. Data includes mine name, location of mine, name of mine operator, vegetation, soils, water quality, mine activity, mining production amounts, etc.

D. Retention: 25 calendar years after coal mine is no longer operational

E. Confidentiality: Portions of database may be confidential per Section 69-26-2, NMSA 1978 (i.e., mining production).

F. Input: All documents used as input for the *coal database* are filed in *coal mine files*.

G. Output: Because the *coal database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. Some of these reports include *annual coal mine production*, *mine operators report*, etc.

[1.18.521.73 NMAC - N, 5/14/2007]

1.18.521.74 MINING ACT RECLAMATION PROGRAM DATABASE:

- A. **Program:** mining
- B. **Maintenance system:** numerical by primary key
- C. **Description:** database maintains, monitors, tracks and calculates data on mine reclamation information for non-coal mines statewide. Data includes reclamation size, reclamation location, reclamation progress, project name, mine name, type of mine, name of mine operator, maps, financial assurance, biological data, etc.
- D. **Retention:** 25 calendar years after reclamation project is complete
- E. **Input:** All documents used as input for the *mining act reclamation program database* are filed in *hard rock files*.
- F. **Output:** Because the *mining act reclamation program* system is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. Some of these reports include *project status report, final cost analysis report*, etc.
[1.18.521.74 NMAC - N, 5/14/2007]

1.18.521.75 ABANDONED MINE LAND DATABASE:

- A. **Program:** mining
- B. **Maintenance system:** numerical by primary key
- C. **Description:** database maintains, monitors, and tracks data on abandoned mine land information. Data includes project location, name of mine, mine location, type of mine, mine feature location, archeological information, contract information, name of mine operator, contract tracking, maps, contact information, etc.
- D. **Retention:** 25 calendar years after project or file closure
- E. **Input:** All documents used as input for the *abandoned mine land database* are filed in *abandoned mine land program files*.
- F. **Output:** Because the *abandoned mine land database* is a data-based system, required and ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. Some of these reports include *project status report, final cost analysis report*, etc.
[1.18.521.75 NMAC - N, 5/14/2007]

1.18.521.76 YOUTH CONSERVATION CORPS DATABASE:

- A. **Program:** youth conservation corps
- B. **Maintenance system:** numerical by primary key
- C. **Description:** database maintains, monitors, tracks and calculates data on projects request for proposals, corps members hired for scholarship eligibility and project sponsors. Data includes project name, type of project, project location, funds administered and applied to project, project sponsors, corps members, etc.
- D. **Retention:** 10 fiscal years after project completion
- E. **Input:** All input for the *youth conservation corps database* is key entered via the website only.
- F. **Output:** Because the *youth conservation corps database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. Some of these reports include *inspection report, performance report*, etc.
[1.18.521.76 NMAC - N, 5/14/2007]

HISTORY OF 1.18.521 NMAC:

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

- SRC Rule 67-9, Records Retention and Disposition Schedule Soil and Water Conservation Districts, 7/20/67.
- SRC Rule 68-1, Soil and Water Conservation Committee Records Retention and Disposition Schedule, 1/3/68.
- SRC Rule 71-14, Records Retention and Disposal Schedule for Department of State Forestry, 11/29/71.
- SRC Rule 74-31, Records Retention and Disposal Schedule for State Parks and Recreation Commission, 11/27/74.
- SRC Rule 74-20, Records Retention and Disposal Schedule for Natural Resources Conservation Commission, 7/17/74.
- SRC Rule 79-4, Records Retention and Disposal Schedule for Natural Resources Department, Forestry Division, 1/22/79.
- SRC Rule 81-6, Records Retention and Disposition Schedule for Energy and Minerals Department, 9/1/81.
- SRC Rule No. 83-22, Records Retention and Disposition Schedule for Energy and Minerals Department, Oil Conservation Division, 8/31/83.

SRC Rule No. 84-12, Records Retention and Disposition Schedule for Energy and Minerals Department, Energy Resources and Development Division, 5/1/84.
SRC Rule No. 84-10, Records Retention and Disposition Schedule for Energy and Minerals Department, Energy Conservation and Management Division, 5/1/84.
SRC Rule No. 84-13, Records Retention and Disposition Schedule for Energy and Minerals Department, Office of the Secretary, 5/1/84.
SRC Rule No. 85-04, Records Retention and Disposition Schedule for Energy and Minerals Department, 12/14/84.
SRC Rule No. 85-15, Records Retention and Disposition Schedule for Natural Resources Department, Office of the Secretary, 10/28/85.
SRC Rule No. 85-21, Records Retention and Disposition Schedule for Natural Resources Department, Resource Management and Development Division, 10/28/85.
SRC Rule No. 85-22, Records Retention and Disposition Schedule for Natural Resources Department Soil and Water Conservation Division, 10/28/85.
SRC Rule No. 86-02, Records Retention and Disposition Schedule for Natural Resources Department Forestry Division, 2/28/86.
SRC Rule No. 86-20, Records Retention and Disposition Schedule for Energy and Minerals Department, Resource Development and Management Division, 9/11/86.
SRC Rule No. 87-04, Records Retention and Disposition Schedule for Natural Resources Department, State Parks and Recreation Division, 4/1/87.
SRC Rule No. 89-13, Records Retention and Disposition Schedule for Energy, Minerals and Natural Resources Department, State Parks and Recreation Division, 12/18/89.
SRC Rule No. 94-05, Records Retention and Disposition Schedule for Energy, Minerals and Natural Resources Department, Mining and Minerals Division, 4/11/94.

History of Repealed Material:

1.18.521 NMAC ERRDS, Energy, Minerals, and Natural Resources Department, filed 6/21/2002, repealed effective 9/25/2006