

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

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16755
June 28, 2022

Chief Manual Overby
Boating Law Administrator
New Mexico EMNRD, State Parks Division
Boating Safety & Law Enforcement Bureau
1220 South Saint Francis Drive
Santa Fe, NM 87505

Dear Mr. Overby:

On June 15, 2022, the United States Coast Guard Boating Safety Division (CG-BSX-2) completed a compliance review of the New Mexico State Recreational Boating Safety (RBS) Program. This review is used to help monitor if a state is in compliance with specific elements of applicable federal laws and regulations, including Title 46 U.S.C. Chapter 131, which specifies requirements for States RBS Program which shall include:

- A vessel numbering system approved or carried out by the Secretary (DHS) under Title 46 Chapter 123;
- A cooperative boating safety assistance program with the Coast Guard in that State;
- Sufficient patrol and other activity to ensure adequate enforcement of applicable state boating laws and regulations;
- An adequate State boating safety education program that includes the dissemination of information concerning the hazards of operating a vessel when under the influence of alcohol or drugs, and;
- A system, approved by the Secretary (DHS), for reporting marine casualties required under Section 6102 of Title 46.

Based on the review conducted, the following elements of the New Mexico RBS Program were found to be in full compliance with federal laws and regulations required for eligibility and are considered approved:

1. A valid Memorandum of Agreement between the U.S. Coast Guard and the State of New Mexico; and,
2. Boating Safety Education Program.

Deficiencies in the following elements of the New Mexico State RBS Program were noted that require corrective action:

1. Vessel Numbering System:
 - a. The State numbering system does not contain requirements for the placement of the validation sticker “within 6 inches of the number” as required in [33 CFR §174.15\(a\)](#); however, the sticker placement is properly described in draft version of the “Handbook of New Mexico Boating Laws and State Park Responsibilities”;

- b. The application for Certificate of Number is not in full compliance with [33 CFR §174.17](#), specifically, the following fields are either missing or are incomplete:
 - i. Propulsion Type (authorized terms for manual and sail are missing); and,
 - ii. Engine Drive Type is missing (only authorized terms may be used);
 - c. The Certificate of Number is not in full compliance with [33 CFR §174.19](#), specifically, the following required fields are missing:
 - i. Vessel model; and
 - ii. Engine drive type; and,
 - d. The Temporary Certificate of Number is not in full compliance with [33 CFR §174.21](#), specifically, the following fields are missing:
 - i. Expiration date (no more than 60 days from its date of issuance); and,
 - ii. Signature of owner.
2. Law Enforcement of applicable state boating laws and regulations:
 - a. Remove life jacket type code terminology throughout state law and replace with Coast Guard approved wearable or throwable personal flotation device; and,
 - b. Correct the navigation light information found in [NMSA-12-7](#). They are incomplete and do not reference lights required for sailing vessels or vessels under oars (human powered) per [33 CFR §83.20](#).
 3. Marine Casualty Reporting System:
 - a. The New Mexico Boating Accident Report (revised 7/2019) is not in full compliance with [33 CFR §173.57](#); it is missing 'Weather forecasts available to and weather reports used by the operator before and during the use of the vessel.'

Based on these findings, the New Mexico Vessel Numbering System and Law Enforcement elements of the RBS Program are considered 'provisionally approved'. The New Mexico RBS Program elements of the Marine Casualty Reporting system and the Boating Safety Education program are considered 'approved'.

Please submit a Corrective Action Plan (CAP) to resolve the discrepancies in the vessel numbering system, law enforcement of applicable boating laws, and marine casualty reporting system. Your CAP should include a description of the action to be taken and the estimated date of completion. Please submit your plan to Ms. Kristin Williams of the Boating Safety Division Program Management and Operations Branch (CG-BSX-21) prior to August 1, 2022.

We thank you and your staff for the outstanding RBS mission support and administrative assistance during the desk review. Should you have any questions regarding this letter, please contact your Program Coordinator Ms. Kristin Williams at (202) 372-1067 or email at Kristin.A.Williams@uscg.mil.

Sincerely,



SCOTT J. KELLY

Chief, Program & Operations Management Branch
Office of Coast Guard Auxiliary & Boating Safety
U. S. Coast Guard

Copy: Commander, Eighth Coast Guard District (dp-RBS)