

State of New Mexico
House of Representatives
State Capitol
Santa Fe

February 27, 2024

Energy, Minerals and Natural Resources Department
State Parks Division
Attn: Jared Langenegger
1220 South Saint Francis Drive
Santa Fe, New Mexico 87505

Re: Public Comment on Proposed Rulemaking: Boating Operation and Safety; General Provisions; Park Visitor Provisions; and Park Fees Potential

Jared Langenegger,

We are writing to express our strong opposition to many of the proposals included in the State Parks Division's (Division's) proposed repeal and replacement of 18.17.2 NMAC Boating Operation and Safety, 19.5.1 NMAC General Provisions, 19.5.2 NMAC Park Visitor Provisions, and 19.5.6 NMAC Park Fees. While we are encouraged by the Division's proposal to waive day fees for park use for all New Mexicans, we are opposed to the Division's proposals to increase many other existing fees, create new fees, and eliminate annual camping passes altogether, which will place significant new financial burdens on New Mexicans and could negatively impact the economies of local communities if the number of visitors or visits to state parks decline.

The proposed fee changes are the result of a recent study EMNRD conducted of its fee schedule for state parks, which resulted in issuance of a report titled New Mexico State Parks Fees Study. This study, initiated pursuant to a 2019 directive by the Senate through Senate Memorial 69, was flawed in multiple ways.

First, the stated goals of the report did not align with the goals of SM 69. The memorial asked the Division to identify opportunities for more affordable access for New Mexicans, including free access to state parks, highlighting the value of affordable access for New Mexicans, the economic impact state parks have for their surrounding communities, and the benefits our state parks provide to residents. In its report, Division staff however, were focused on finding ways to increase revenues, streamline and simplify payment options for state parks visitors, and provide new products and services for those visitors. This resulted in recommendations that are misaligned with the intent of SM 69.

The study was conducted in isolation, lacking external input, which presents significant limitations. The study states it was "conducted by a diverse committee of current State Parks employees...". Because the report was confined within the organization, the report was narrowly

focused on the goals of increasing revenue collection and streamlining workload for Division staff. Other relevant perspectives were left out of the study, including those of veterans, campers, boaters, and paddle craft users. For example, we understand the Department has experienced significant pushback from some of these stakeholders at its recent public meeting in Elephant Butte.

The proposed fee changes were never mentioned by ENMRD during the department's fall budget hearing in front of the Legislative Finance Committee nor were they shared during the 2024 legislative session during the department's budget hearing in front of the House Appropriations and Finance Committee in January. The proposals appear likely to result in more than \$6 million in additional revenue collection for the Division, which will more than double the revenue the Division is collecting in state park fees. Given the timing of the Division's publication of the proposed rule – at the conclusion of the 2024 legislative session – this appears to be an end-run around the legislative process and a means for the Division to ensure its FY25 budget aligns with its requested budget levels rather than living within the means established by the Legislature.

While we can all agree that our state parks need to be cared for and maintained, we urge the Division to rethink the approach taken in the proposed rule. While free day use of most of the state parks would be positive for New Mexicans, increasing many of the other existing fees and establishing additional new fees will not only make our state parks less accessible to middle- and low-income families, but it will also negatively impact visitation across income levels. New Mexicans are among the most economically challenged Americans. Raising our fees to be consistent with the fees of neighboring states – which in some instances results in increases of 200% – fails to account for the vast differences in wealth of residents in our neighboring states, all of which have significantly fewer people living in poverty. The increased fees and new fees will make activities like camping, boating, and paddle sports unaffordable for many New Mexicans at a time when they are struggling to keep up with the significant inflation of recent years.

We are also concerned about the impact on the economic health of the communities in which our state parks are located. Visitors to New Mexico's state parks are economic drivers for the local businesses, towns, and cities our parks are located in and near. Many rural communities rely on a state park as their major source of economic activity. Spending in local communities can be expected to decrease when park fees are increased as a result of decreased visitation. Of the almost 5 million visitors who attended a state park in FY23, approximately 90 percent visited a lake, river, or reservoirs; these are the visitors who will be most impacted by the Division's proposed rule changes. While free park visits may result in positive economic impacts in some communities, we are concerned that the 20 state parks with lakes and reservoirs will see disproportionate decreases in local economic activity as a result of the increased fees for camping and boating.

For the above reasons, we hope you will revisit your proposal. While we are encouraged that the Division has scheduled multiple community meetings on the proposed fee changes, we urge you to pause the rulemaking process to engage with a broader group of stakeholders to develop consensus recommendations that address the requests of Senate Memorial 69 and meet the needs of the Division and of our park visitors. We also encourage you to work with the Legislative

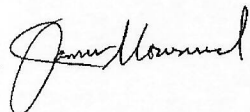
Finance Committee and other appropriate executive agencies through the 2024 interim to address the Division's budget concerns.

Thank you for considering our requests.

Sincerely,



Ryan Lane
State Rep. District 3



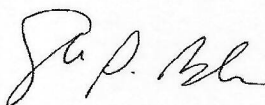
Jim Townsend
State Rep. District 54



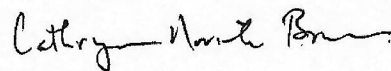
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State Rep. District 49



Brian Baca
State Rep. District 8



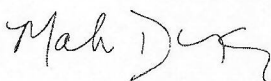
John Block
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Catherine Brown
State Rep. District 55



Jack Chatfield
State Rep. District 67



Mark Duncan
State Rep. District 2



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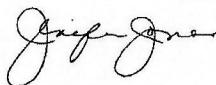
Jason Harper
State Rep. District 57



Jared Hembree
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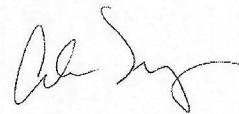
Joshua Hernandez
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Jennifer Jones
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Stefani Lord
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Alan Martinez
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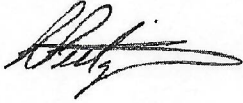
Jimmie Mason
State Rep. District 66



Tanya Mirabal Moya
State Rep. District 7



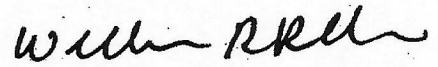
Rod Montoya
State Rep. District 1



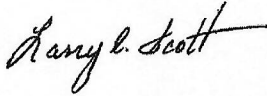
Randall Pettigrew
State Rep. District 61



Andrea Reeb
State Rep. District 64



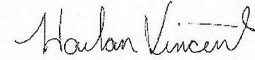
Bill Rehm
State Rep. District 3



Larry Scott
State Rep. District 62



Luis Terrazas
State Rep. District 39



Harlan Vincent
State Rep. District 56



Martin Zamora
State Rep. District 63

cc: Governor Michelle Lujan Grisham
Senator George Munoz, Chair, Legislative Finance Committee
Representative Nathan Small, Vice Chair, Legislative Finance Committee
Charles Sallee, Director, Legislative Finance Committee