

NOTICE OF PROPOSED RULEMAKING

The State of New Mexico, Energy, Minerals and Natural Resources Department (EMNRD), State Parks Division (Division) hereby gives notice of the following proposed rulemaking. EMNRD proposes to repeal and replace rule, 19.5.1 General Provisions, and amend rules 18.17.2 Boating Operation and Safety, 19.5.2 Park Visitor Provisions, and 19.5.6 Park Fees.

Purpose of Amendment: EMNRD proposes the amendments to include a definition of resident; include a definition of human-powered watercraft; include a definition of paddle craft; change fees for boat registration; include human-powered watercraft in vessels that require wearing of U.S. coast guard approved wearable personal flotation devices; include human-powered watercraft in vessels that are not required to have a bailing bucket, bilge pump or any length of stout rope; clarify visitors shall pay required day-use fees upon entering the park; clarify check out times for campsites; include Cerrillos Hills state park as a park that does not allow camping; amend stay limits in parks based on time of year; clarify ADA sites; change the amount of time a trailer, boat or vessel not attached to a vehicle may be left in parking areas or turnouts; clarify official use of off-highway motor vehicles and golf cars in state parks by the Division and other government agencies; allow for the use of off-highway motor vehicles by concessionaires in certain areas where permitted by the superintendent; remove the allowance for off-highway motor vehicles to be used within parks for ice fishing; remove gender specific language; change references to tape record to audio record; remove exception to fees for persons who are entering Conchas Lake state park to access the concessionaire; amend language regarding fee waivers or reductions for primary or secondary school groups or college or university groups to include other organized youth groups; exempt New Mexico residents from purchasing day use permits from October 1 through April 30 annually; clarify that visitors shall purchase camping permits to camp in a park; add an annual camping permit for New Mexico resident active-duty military or honorably discharged veterans; amend the expiration dates for annual passes to make them valid from January 1 through December 31 of each year and to allow for permits for the next calendar year to be sold beginning July 1 of each year; amend requirements for replacement annual camping permits to require proof of purchase; amend language for foster family free access to parks to match language in house bill 35 from the 2023 legislative session; amend park fees to include both resident and non-resident fees for day use, camping, and annual permits; change park fees for day use, camping, utilities, annual permits, and special use permits; add a short term concession permit; add a parking fee for Rio Grande Nature Center state park; change entrance fees at Living Desert Zoo and Gardens state park and Smokey Bear historical park; add a RV dump station fee for non-campers; eliminate wildlife blind fees; implement a regular review of fees based off the Chained Consumer Price Index for Urban Consumers; remove outdated wording; correct grammar and clarify wording; and correct spelling.

The full text of the proposed rule amendments are available from Jared Langenegger at 575-420-1733 or jaredr.langenegger@emnrd.nm.gov or can be viewed on the EMNRD, State Parks Division's website at <https://www.emnrd.nm.gov/spd/public-meetings/> or at the State Parks Division's office in Santa Fe.

EMNRD proposes to amend **18.17.2 NMAC**, primarily adding the human-powered watercraft and paddle craft definition to Section 7, amend registration fees for vessels in Section 8, require users of human-powered watercraft to wear personal flotation devices, and include human-powered watercraft in vessels that are not required to have a bailing bucket, bilge pump or any length of stout rope in Section 9.

EMNRD proposes to repeal and replace **19.5.1 NMAC**, primarily adding the definition of resident in Section 7.

EMNRD proposes to amend **19.5.2 NMAC**, Sections 11, 12, 13, 14, 16, 21, 25, 27, 32 -35, 38, 39, and 42.

EMNRD proposes to amend **19.5.6 NMAC**, Sections 8 – 12, 14-16, 18, and 19.

Legal Authority: EMNRD proposes this rule amendment under the authority of Section 66-12-18 NMSA 1978 and Section 16-2-7 NMSA 1978.

Public Hearing and Comment. EMNRD will hold a public hearing on the proposed rule amendments beginning at 10:00 a.m. on October 22, 2024, at the Wendell Chino Building, Pecos Hall, 1220 South Saint Francis Drive, Santa Fe, NM.

Those wishing to comment on the proposed rule amendment may make oral comments or submit information at the hearing on October 22, 2024, or may submit written comments by 5 p.m. on October 22, 2024, by mail or e-mail. Please mail written comments to Jared Langenegger, EMNRD, State Parks Division, 1220 South Saint Francis Drive, Santa Fe, NM 87505 or submit comments by e-mail to EMNRD-ParksComments@emnrd.nm.gov.

The hearing will be available to be viewed online. Viewing information and a meeting link can be found on the EMNRD, State Parks Division's website at www.emnrd.nm.gov/spd/public-meetings/.

Technical Information that served as a basis for the proposed rule amendments includes:

Copies of the technical information can be obtained from Jared Langenegger at 575-420-1733 or jaredr.langenegger@emnrd.nm.gov or can be viewed on the EMNRD, State Parks Division's website at <https://www.emnrd.nm.gov/spd/public-meetings/>.

NM State Parks Fees Study

https://www.bls.gov/data/inflation_calculator.htm

NASPD AIX 2019-2020 Final Data Report

NASPD AIX 2020-2021 Final Data Report

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Jared Langenegger at 575-420-1733 or through the New Mexico Relay Network at 1-800-659-1779 two weeks prior to the hearing. Public documents can be provided in various accessible formats. Please contact Jared Langenegger at 575-420-1733, if a summary or other type of accessible format is needed.