

February 20, 2024

Re: Potential negative economic impact of fee changes for out-of-state visitors, and economic hardship of new fees to be imposed on NM residents who visit Elephant Butte, Caballo, and Percha Dam.

Dear Dr. Jared Langenegger,

Please accept this letter as my written comments regarding EMNRD's proposed repeal and replacement of rules, 18.17.2 Boating Operation and Safety, and 19.5.1 General Provisions, and amend rules 19.5.2 Park Visitor Provisions, and 19.5.6 Park Fees.

According to the announcement, these proposed changes are in response to a 2019 Memorial to study the fees at the state parks, however there seems to be a disconnect with the intent of the memorial, which was passed five years ago, and this current rush to announce and implement new fees and up to 100% increases to existing fees beginning July 2024.

The purpose of the memorial was to undertake a study of the state park and related fee structure to determine opportunities and options to better manage for reasonable and affordable state park access to residents *and* non-residents; providing reasonable and affordable access to state parks and outdoor recreation opportunities to *increase* state park visitation and quality of life. The memorial acknowledged they state parks are local, regional and statewide *economic drivers* in urban and rural communities, and expressed a desire to engage visitors in the outdoors and promoting healthy lifestyles. The memorial asked *for options for providing potential opportunities of free access to state parks* and that the study be presented to the legislative committees by November 1, 2019. With a quick search, I could find no presentations of this study to the legislative committees. I cannot find a presentation to the legislative committees on "options for providing potential opportunities of free access to state parks."

It is my understating that the rule changes were announced the last week of the legislative session. I consider that an "11th hour, dead of night" move. A public hearing is being held at Elephant Butte State Park on Feb 22nd, just a week after the notification. Elephant Butte, Caballo, and Percha are all located in Sierra County. The only Sierra County newspaper runs each Friday. When the notice of public input was not published in the Feb 16th addition, I contacted the publisher who said they did not receive notification from EMNRD. Therefore, very few Sierra County citizens and business owners impacted by these proposed changes are aware of the changes. They are unaware of the ability to provide input or attend a public hearing.

To propose such drastic changes to fees, particularly the 100% increase for out-of-state visitors, beginning July 2024 is simply too soon. For many years guests to Elephant Butte Lake have expressed a willingness to pay higher user fees for an improved park experience. The state should not increase the user fee for our out-of-state visitors without *first* providing an improved park experience. With a 10 billion dollar general operating budget, access to dozens of state trust

funds, and access to unprecedented federal investments for state and federal parks, the increased rate should occur after deferred maintenance and improvements are made.

Your study should include a survey of requested immunities and fees should come with improved conditions. To impose 100% increase in fees to our out-of-state visitors, without an improved park experience or improved immunities will drive guests to lakes in Texas and Arizona instead of Elephant Butte, Caballo, and Percha Dam. If you move forward with these dramatic changes, you are acting in conflict with the memorial's acknowledgement that these parks are economic drivers to our rural communities.

19.5.2.35 Annual Permits and Passes-

I oppose the elimination of annual permits and passes. Instead institute a slight annual increase on the cost of the annual permits and passes in partnership with an improved park experience.

19.5.2.36 Disabled Veteran Camping Passes-

Offering three nights camping in a 12 month period for disabled veterans is simply not enough. The memorial specifically acknowledges the health benefits of public parks. Considering the national statistic of veteran suicides, this rule making period seems a perfect time to give our heroes more access to camping and experiences at the park at a lower cost. Please meet with veteran service groups and present during the interim to the legislative committee on veteran affairs. Please reconsider at a future date, based on their recommendations.

19.5.2.38 Foster Families-

Offering three nights camping in a 12 month period for foster families is simply not enough. Our resource families sacrifice personal privacy, freedom, and take on the cost of vacation and recreation for non-biological children. This rule making period seems a perfect time to give foster families and the children they serve, more access to camping and experiences at the park at a lower cost. Please meet with groups like the NM Child First Network and Heart Gallery, and present during the interim to the Health and Human Services. Please reconsider based on their recommendations.

19.5.6.8 Day Use Permit (use fees): and 19.5.6.9 Camping Permit (per night per vehicle or per walk-in/bicycle):

According to the Fee Study, collecting day use fees is overly burdensome on park staff. Yet there is no mention of installing self-pay kiosks or providing for online payments. The study suggests that eliminating day use permits will save time and wages, but doesn't seem to acknowledge the incredible burden marine enforcement officers will endure while ensuring every kayak and paddleboard user paid \$5.00 per day to put their craft in the water. In addition, the study doesn't acknowledge the confrontations park staff will incur when NM residents, who were told it is "free" to access a state park, are informed of all the new hidden fees such as \$20 per night for primitive camping (\$40 if a partner goes early in one vehicle and the other family member arrives in a second vehicle after work.)

Parks with exceptions – Please keep \$1 of fee increases in the park that generates the fee, to be used exclusively for park improvements.

19.5.6.8 Day Use Permit and 19.5.6.9 Camping Permit include “Parks with exceptions.” There are over 35 state parks in New Mexico yet it appears that the exceptions are only applied to Conchas, Living Desert Zoo and Garden, Smokey Bear Historical Park, Navajo Lake State Park, and Rio Grande Nature Center. Elephant Butte, Caballo, and Percha Dam are among the most visited parks in the state, making up a majority of the State Parks budget. Was the local community consulted for “exclusions”?

How does our community request “exceptions” to the proposed rules? How did other communities gain “exceptions”? For over a decade Sierra County has presented our request that \$1 of any fee increases state at the state park generating the fees. We believe the parks generating the funds should receive funds for maintenance, repairs, and improvements. By doing so, the flagship parks will see even more visitors, generating even more funds.

Doubling the fees for out-of-state visitors without *first* improving immunities and the guest experience will drive out-of-state visitors to Texas and Arizona, where, although the fees will be more comparable, the immunities, condition of roads, and guest experience are dramatically better.

Below are the tables of proposed fee changes. I included them so people who read my written comment can see how dramatic the proposed changes are.

Per motor vehicle (<u>non-resident only</u>)	[\$5.00] \$10.00
Walk in/bicycle	No Charge
School bus (<u>non-resident only</u>)	\$15.00
Commercial charter bus (<u>non-resident only</u>)	\$50.00
Paddle craft launch per motor vehicle (resident and non-resident)	\$5.00
RV dump station per use (resident and non-resident)	\$10.00

3. **Parks with exceptions.**

Rio Grande Nature Center state park	
Parking fee per motor vehicle	[\$3.00] \$5.00
Walk in/bicycle	No Charge
Parking fee per School bus (<u>non-resident only</u>)	\$15.00
Commercial charter bus (<u>non-resident only</u>)	\$50.00
Living Desert Zoo and Gardens state park	
Adult	[\$5.00] \$10.00
Child (seven to 12 years old)	[\$3.00] \$5.00
Child (six years and under)	No Charge
Group rate adults (20 or more) per person	[\$3.00] \$5.00
Youth school groups (per person)	[\$.50] \$1.00
American zoological association reciprocal fees	
Adult	[\$2.50] \$5.00
Child	[\$1.50] \$3.00
Smokey Bear historical park	
Adult	[\$2.00] \$6.00
Senior (62 years or older)	\$4.00
Child (seven to 12 years old)	[\$1.00] \$3.00
Child (six years and under)	No Charge
Youth/school groups (per person)	No Charge
Bus	\$15.00

Primitive site	\$8.00
Developed site	\$10.00
Developed site with electric hookup	\$14.00
Developed site with electric and sewage hookups	\$18.00
Electric hookup with annual camping permit	\$4.00
Electric and sewage hookup with annual camping permit	\$8.00
Camping	\$20.00
Electric service	\$10.00

Sewage service	\$10.00
Water service	\$10.00

State-wide pass-to-all-parks	\$40.00
Disabled veterans pass	No Charge (New Mexico resident veteran with a fifty percent or greater service-connected disability)

New Mexico resident	\$180.00
New Mexico senior resident – 62 years or older	\$100.00
New Mexico physically disabled resident (see Subsection B of 19.5.2.35 NMAC)	\$100.00
Out-of-state resident	\$225.00

750 square feet or less	[Current: \$30.00 Beginning December 1, 2018:] \$45.00
More than 750 square feet	[Current: \$60.00 Beginning December 1, 2018:] \$90.00
Rally (as designated)	
Groups less than 30 persons	[Current: \$60.00 Beginning December 1, 2018:] \$135.00
Groups 30 or more persons	[Current: \$90.00 Beginning December 1, 2018:] \$180.00

Park open hours	[Current: \$30.00 Beginning December 1, 2018:] Large for entire day \$200.00 Small for entire day \$100.00 Large for partial day (four hours) \$50.00 Small for partial day (four hours) \$25.00
Damage and cleaning deposit (reimbursed upon satisfactory inspection)	\$50.00
Park after hours	[Current: \$60.00 Beginning December 1, 2018:] Large \$300.00 Small \$200.00
Damage and cleaning deposit (reimbursed upon satisfactory inspection)	\$75.00
3. Special event facility.	
Park open hours Per day cost will vary according to certain seasons. Please refer to the division website.	[Current: \$125.00 Beginning December 1, 2018:] Season \$1,000.00 Off-season \$500.00
Damage and cleaning deposit (reimbursed upon satisfactory inspection)	\$250.00

Park after hours Per day cost will vary according to certain seasons. Please refer to the division website.	[Current: \$275.00 Beginning December 1, 2018:] Season \$1,500.00 Off-season \$700.00
Damage and cleaning deposit (reimbursed upon satisfactory inspection)	\$350.00

C. Yurts (per night).

Rental inclusive of camping fee for two vehicles. Additional vehicles will be subject to day use or camping fees as applicable. Per night fee may be less on certain days or in certain seasons. Please refer to the division website.	[Beginning July 1, 2018:] Season \$150.00 Off-season \$80.00
Damage and cleaning deposit (reimbursed upon satisfactory inspection)	\$100.00

D. Cabins (per night).

Rental inclusive of camping fees for two vehicles. Additional vehicles will be subject to day use or camping fees as applicable. Per night fee may be less on certain days or in certain seasons. Please refer to the division website.	Season \$150.00 Off-season \$80.00
Damage and cleaning deposit (reimbursed upon satisfactory inspection)	\$100.00

E. Corrals (per night).

Small	\$30.00
Large	\$50.00

F. Wildlife blinds (per night).

Season	\$75.00
Off season	\$25.00

19.5.6.19 FEE CHANGES: The division shall review the fees in 19.5.6 NMAC every five years and the director may change any or all the fees to reflect the Chained Consumer Price Index for Urban Consumers. Any fee change shall be rounded to the nearest dollar. The division shall post fee changes on the department's website, the entrance to each park and any visitor center in a park no less than 30 days prior to the fee changes becoming effective.

19.5.6.19 FEE CHANGES:

It appears that this rule change allows the division to raise rates to keep up with inflation. The intent of the memorial is to increase access and usage to the parks. When people have less disposable income, our parks need to be more accessible for entertainment, recreation, health and wellbeing. It appears that this rule change eliminates any future public input on future rate increases. It sort of feels like these proposed rates are a done deal, that having to have public comment is a bother, and that in the future, you will skip formal comments all together. There are a lot of highly qualified retirees with great ideas to improve the guest experience at all our parks. Their voice should matter. They should be heard. Please to not take away to voice of the people impacted by todays and future rule changes.

Thank you for your consideration in this matter. I hope you halt this rushed implantation of fee and permit changes. Instead you should follow the direction and intent of the 2019 memorial you reference, and first present to the relevant legislative interim committees.

Serving New Mexico,

Rebecca Dow
TorC, NM