

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 5 STATE PARKS AND RECREATION
PART 2 PARK VISITOR PROVISIONS

19.5.2.1 ISSUING AGENCY: Energy, Minerals and Natural Resources Department, State Parks Division.
[19.5.2.1 NMAC - Rp, 19.5.2.1 NMAC, 1/1/2008]

19.5.2.2 SCOPE: 19.5.2 NMAC applies to persons using the New Mexico state parks system.
[19.5.2.2 NMAC - Rp, 19.5.2.2 NMAC, 1/1/2008]

19.5.2.3 STATUTORY AUTHORITY: 19.5.2 NMAC is authorized pursuant to Subsection E of Sections 9-1-5 and 16-2-2 *et seq.* NMSA 1978.
[19.5.2.3 NMAC - Rp, 19.5.2.3 NMAC, 1/1/2008; A, 5/15/2018]

19.5.2.4 DURATION: Permanent.
[19.5.2.4 NMAC - Rp, 19.5.2.4 NMAC, 1/1/2008]

19.5.2.5 EFFECTIVE DATE: January 1, 2008, unless a later date is cited at the end of a section.
[19.5.2.5 NMAC - Rp, 19.5.2.5 NMAC, 1/1/2008]

19.5.2.6 OBJECTIVE: 19.5.2 NMAC's objective is to provide standards for visitor use of the New Mexico state parks system in a manner that promotes public health, safety and welfare and preserves park facilities and the environment.
[19.5.2.6 NMAC - Rp, 19.5.2.6 NMAC, 1/1/2008]

19.5.2.7 DEFINITIONS: [RESERVED]
[See 19.5.1.7 NMAC for definitions.]
[19.5.2.7 NMAC - Rp, 19.5.2.7 NMAC, 1/1/2008]

19.5.2.8 DELEGATION: The secretary delegates concurrent authority to the director as contained in Subsections B, E and F of Section 16-2-32 NMSA 1978.
[19.5.2.8 NMAC - Rp, 19.5.2.8 NMAC, 1/1/2008]

19.5.2.9 RESTRICTED AREAS:

A. Access to parks, both land and water, shall be open to the public, except that each superintendent may close an area or facility by posting or otherwise designating the area as closed to entry. A superintendent may close an area for no more than five consecutive days without the director's approval. The superintendent shall ensure areas designated for seasonal closure are posted indicating the closure period.

B. The superintendent may set a visitor capacity limit for a park or areas within a park. State park officials shall enforce each park's visitor capacity to protect visitors and to prevent damage to the park's natural or cultural resources. Once capacity is reached, state park officials shall not admit additional visitors until some of the visitors already there have left.

C. The superintendent may restrict or prohibit activities in certain areas of a park by posting or otherwise designating the prohibition or restriction.
[19.5.2.9 NMAC - Rp, 19.5.2.9 NMAC, 1/1/2008]

19.5.2.10 HOURS: The director or the director designee establishes opening and closing times for every area and facility of the state parks system. Hours are posted at the established park entrances, offices or pay stations.
[19.5.2.10 NMAC - Rp, 19.5.2.10 NMAC, 1/1/2008]

19.5.2.11 DAY USE:

A. Day use of a park area is from 6:00 a.m. to 9:00 p.m. unless the superintendent posts different hours or extends hours for special programs or events. Visitors shall pay day-use fees upon entering the park. See 19.5.6 NMAC.

B. The division may designate areas solely for day use to exclude camping.

- C. Visitors shall maintain sites in parks in a clean and sanitary condition at all times.
- D. Visitors shall clean the site and dispose of trash and litter in appropriate waste receptacles.

[19.5.2.11 NMAC - Rp, 19.5.2.11 NMAC, 1/1/2008; A, 1/1/2013]

19.5.2.12 CAMPING:

A. Visitors may camp in parks in designated areas, provided that they obtain a valid camping permit. Visitors shall obtain permits upon entry by paying appropriate fees. See 19.5.6 NMAC. Use of park properties and facilities between the hours of 9:00 p.m. and 6:00 a.m., or as posted by the superintendent, is camping. Check out time, the time the campsite is to be vacated, is 2:00 p.m.; however, the camping permit allows day use of the park until 9:00 p.m. or as posted by the superintendent, on the day the camping permit expires. Camping is not available at Living Desert Zoo and Gardens state park, Rio Grande Nature Center state park, Mesilla Valley state park or Smokey Bear historical park.

B. Campers shall not leave unoccupied any type of vehicle, motorized camper, trailer, tent or other sleeping unit or facility or otherwise leave a campsite unoccupied for more than 24 hours without the superintendent's prior approval. Unoccupied means the camper is not present at the campsite for more than 24 hours.

C. Campers shall maintain campsites in a clean and sanitary condition at all times. Campers shall clean campsites and place litter only in appropriate disposal containers.

D. Campers in areas or parks designated and posted by the superintendent as pack-in, pack-out, shall carry out supplies and solid waste or other refuse, including human bioproducts, and properly dispose of these items in appropriate waste receptacles outside of the designated area or park.

E. Campers may reside in a park for a maximum of 14 calendar days during any 20-calendar day period unless the director extends, decreases or waives this limit. Campers shall completely remove camping equipment and gear from the park for six calendar days during the 20-calendar day period.

F. The division shall charge fees according to the facilities provided at each campsite, as provided in 19.5.6 NMAC, regardless of whether the camper uses the facilities at the campsite. For example, camping at a site with electricity requires payment of the fee for a developed site with electrical hookup even if the camper uses no electricity.

G. Vehicles in a park between the hours of 9:00 p.m. and 6:00 a.m., or as posted by the superintendent, are individually subject to the appropriate camping fees. The division considers motor homes towing a vehicle or vehicles towing a camper a single vehicle for 19.5.2.12 NMAC's purposes.

H. The division may require visitors to pay fees for their entire stay in advance (rather than daily) for weekends, holidays or special events.

I. Anchoring a boat or vessel overnight within a park constitutes camping and requires a valid camping permit for the anchored boat or vessel unless the visitor has paid camping fees for the towing vehicle.

(1) Visitors may not leave anchored boats or vessels vacant for more than 24 hours without the superintendent's permission. Anchored boats or vessels may remain within a park for a maximum of 14 calendar days during any 20-calendar day period unless the director extends, decreases or waives this limit. Visitors shall completely remove boats or vessels from the park for six calendar days during the 20 calendar-day period.

(2) Subsection I of 19.5.2.12 NMAC does not apply to boats or vessels only while they are moored overnight at concession operated facilities such as marinas or buoy lines. Boats or vessels are subject to division camping permits and camping fees when moored overnight at any other location in the park. Time limits do not apply while boats or vessels are moored at the concession facilities.

J. Reserved campsites shall become available to other visitors if the visitor holding the reservation does not occupy the reserved site or contact the reservations contractor or the park by 4 p.m. the day after the scheduled arrival date. At that time the site will be available to other visitors and reservations. The visitor holding the reservation who failed to file a cancellation is not eligible for a refund.

[19.5.2.12 NMAC - Rp, 19.5.2.12 NMAC, 1/1/2008; A, 1/1/2013; A, 5/15/2018]

19.5.2.13 USE OF FACILITIES:

A. Facilities are available on a first come, first served basis except at parks where the division has established a reservation program and a visitor has reserved the facility. Campers shall not save or reserve camping spaces for other individuals even by purchasing additional permits.

B. Visitors using a park facility shall keep it in a clean and sanitary manner and shall leave it in a clean and sanitary condition.

C. Glass containers are prohibited outside vehicles, motor homes, campers, trailers and tents within the state parks system except on established commercial premises.

D. The division has developed and designated special accessible facilities for the use of individuals with disabilities. Individuals with disabilities shall have preferential use of these facilities over other persons.

E. Visitors shall not remove water from the park for use outside the park or deposit trash generated outside the park within a park.

F. Advance reservations are required for the use of meeting rooms. Meeting rooms are not available at all parks. A person who reserves a meeting room is responsible for setting up the room, cleaning the room after use and leaving the room in the same condition it was in before use. See 19.5.6 NMAC for meeting room fees.

G. The director may designate areas within the state parks system including campsites, group shelters, group areas, cabins, yurts and lodges for use by reservation.

H. Advance reservations are required for the use of group shelters, group areas or reservation campsites. Visitors shall pay the appropriate day use or camping fees in addition to the fees for use of the facility or area. If visitors make reservations through the division's reservation system contractor, visitors shall pay the reservation processing and cancellation fees the contractor charges. The division may accept annual permits at reservation campsites if posted. See 19.5.6 NMAC for group shelter fees.

I. The superintendent may restrict the number or size of tents, shade or screen shelters occupying a campsite or day use site by posting the restriction or restrictions in the affected area or areas.

[19.5.2.13 NMAC - Rp, 19.5.2.13 NMAC, 1/1/2008; A, 12/30/2010; A, 1/1/2013; A, 5/15/2018]

19.5.2.14 PARKING:

A. Visitors shall park vehicles, camping units or trailers only in established parking areas or parking turnouts where provided. Visitors shall not park any vehicle, camping unit or trailer in a manner that blocks access, restricts traffic or inhibits the free movement of other vehicles, persons or wheelchairs. Visitors shall not leave a trailer, boat or vessel that is not attached to a vehicle in parking areas or parking turnouts for a period of more than 72 hours without prior approval of the superintendent. At the superintendent's discretion, the division may remove vehicles so parked at the owner's expense.

B. Visitors shall not park a vehicle, camping unit or trailer in a designated disabled parking space unless the visitor's vehicle has registration plates or a state-issued placard indicating disability.

C. The superintendent may restrict the number or size of vehicles, camping units or trailers occupying a campsite, day use site or parking area by posting the restriction or restrictions in the affected area or areas.

[19.5.2.14 NMAC - Rp, 19.5.2.14 NMAC, 1/1/2008; A, 1/1/2013]

19.5.2.15 VEHICLE TRAFFIC:

A. Visitors shall drive vehicles within the state parks system only on established roads or areas authorized for vehicle traffic. Visitors shall operate vehicles at speeds at or below the posted limit and in a manner that is reasonable and prudent, with due regard for traffic, pedestrians and road surface conditions and width.

(1) Visitors shall not operate vehicles in a manner that endangers the safety of persons, property or wildlife.

(2) Visitors shall not operate vehicles at speeds greater than the posted limit and shall not exceed 30 miles per hour where no limit is posted.

B. Vehicles operating within a park shall be registered and operated according to New Mexico motor vehicle laws.

C. It is unlawful to ride or to allow anyone to ride in a boat or vessel loaded on a trailer, except when launching or loading a boat or vessel at an established boat ramp.

[19.5.2.15 NMAC - Rp, 19.5.2.15 NMAC, 1/1/2008; A, 1/1/2013]

19.5.2.16 OFF-HIGHWAY MOTOR VEHICLES AND GOLF CARS:

A. Visitors shall not operate off-highway motor vehicles or golf cars in the state parks system, with the exception of persons with mobility disabilities as provided in Subsection D of 19.5.2.16 NMAC or as provided in Subsection F of 19.5.2.16 NMAC for ice fishing.

B. State park officials may use off-highway motor vehicles or golf cars for park operations and maintenance.

C. The park superintendent may approve the use of golf cars by concessionaires within certain areas of a park for concession operations and maintenance.

D. Other power-driven mobility devices may only be used by visitors with mobility disabilities on established roads, pathways, trails and other areas open to pedestrian use. The use of other power-driven mobility devices is subject to more stringent laws or rules or regulations of a landowner (*e.g.* United States department of the interior, bureau of reclamation; New Mexico department of game and fish; United States army corps of engineers, New Mexico state land office, etc.) from which the division leases the land or reservoir. Visitors and state park officials shall comply with laws or regulations or rules of the landowner (*e.g.* United States department of the interior, bureau of reclamation) where applicable. Visitors shall consult park information provided at the park office and on the division's official website to determine limitations on park pathways, trails and other areas open to pedestrian use. To ensure protection of park resources, visitor safety and enjoyment:

- (1) only other power-driven mobility devices not exceeding 36 inches in width and 62 inches in length are permitted on park pathways, trails and other areas open to pedestrian use;
- (2) certain park pathways, trails and other areas open to pedestrian use may have other size limitations, or use of other power-driven mobility devices on certain park pathways, trails and other areas open to pedestrian use may be prohibited, as designated at the park office and on the division's official website;
- (3) internal combustion engine devices are prohibited on park pathways, trails and other areas open to pedestrian use;
- (4) maximum speed on park pathways, trails and other areas open to pedestrian use shall not exceed 10 miles per hour;
- (5) the use of other power-driven mobility devices on park pathways, trails and other areas open to pedestrian use that produces noise that exceeds 96 decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J1287 is prohibited.

E. Persons using an other power-driven mobility device may be required to provide verification that the mobility device is required because of the person's disability. Acceptable forms of verification are:

- (1) a valid, state-issued, disability parking placard or card;
- (2) other state-issued proof of disability; or
- (3) in lieu of Paragraphs (1) and (2) of Subsection E of 19.5.2.16 NMAC, a person may provide a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability.

F. Persons may use off-highway motor vehicles for ice fishing on the surface of the ice and in designated boat launch areas when the lake is open to ice fishing and designated for off-highway motor vehicle use. [19.5.2.16 NMAC - Rp, 19.5.2.16 NMAC, 1/1/2008; A, 1/1/2013; A, 5/15/2018]

19.5.2.17 SPARK ARRESTORS: Internal or external combustion engines shall be equipped with a properly installed, maintained and functioning spark arrestor meeting either the:

- A.** United States department of agriculture, forest service standard 5100 (as amended); or
 - B.** appropriate society of automotive engineers recommended practice J335(b) or J350(a).
- [19.5.2.17 NMAC - Rp, 19.5.2.17 NMAC, 1/1/2008; 19.5.2.17 NMAC - N, 1/1/2013]

19.5.2.18 SWIMMING: Swimming shall be at the swimmer's own risk. Swimming is prohibited within 150 feet of marinas, fishing piers, docks, ramps, dams or as otherwise posted. Visitors using air mattresses, inner tubes, surfboards, sail or wind, styrofoam flotation devices, paddleboards or other similar articles shall wear a United States coast guard approved personal flotation device or a flotation assist device. Swimming may be subject to more stringent laws or rules or regulations of a landowner (*e.g.* United States department of the interior, bureau of reclamation) from which the division leases the land or reservoir. [19.5.2.18 NMAC - Rp, 19.5.2.18 NMAC, 1/1/2008; 19.5.2.18 NMAC - Rn & A, 19.5.2.17 NMAC, 1/1/2013]

19.5.2.19 SKIN OR SCUBA DIVING:

- A.** Skin or scuba diving is at the diver's own risk and is prohibited within 150 feet of marinas, fishing piers, docks, ramps or dams except for official activities and in other areas the superintendent designates. Skin or scuba diving may be subject to more stringent laws or rules or regulations of a landowner (*e.g.* United States department of the interior, bureau of reclamation) from which the division leases the land or reservoir.
- B.** The division permits scuba diving only in groups of two or more divers. An additional scuba diver or competent diver-tender shall remain above water at all times.
- C.** Equipment such as tanks, weight belts, etc. shall be equipped with quick-release fasteners.
- D.** Scuba divers shall be equipped with a buoyancy compensator. Scuba divers shall only use self-inflated, air supplied canister, or tank inflated, direct connection to the tank supplied air.

E. Divers shall use a diver's flag to mark the point of submergence. Divers shall fly the diver's flag from a boat or flotation device while diving. The flag shall be red with a white diagonal stripe running from the upper left corner to the lower right corner.

F. Boats or vessels shall stay at least 150 feet away from a diver's flag and shall exercise special care in the diver's flags' vicinity.
[19.5.2.19 NMAC - Rp, 19.5.2.19 NMAC, 1/1/2008; A, 12/30/2010; 19.5.2.19 NMAC - Rn & A, 19.5.2.18 NMAC, 1/1/2013]

19.5.2.20 HORSEBACK RIDING:

A. Visitors shall not ride, stable or maintain horses except in designated areas within the state parks system or without prior approval of the superintendent.

B. Visitors shall not use or possess hay or feed in parks located on state game commission property, including Clayton Lake state park, Fenton Lake state park, Cimarron Canyon state park, Mesilla Valley state park and Eagle Nest Lake state park, or United States department of the interior, bureau of reclamation property, including Navajo Lake state park, Heron Lake state park, El Vado Lake state park, Elephant Butte Lake state park, Caballo Lake state park, Percha Dam state park, Leasburg Dam state park, Sumner Lake state park and Brantley Lake state park, that is not certified as weed free by the New Mexico state university's certified weed free forage program or another governmental entity's certified weed free forage program.
[19.5.2.20 NMAC - Rp, 19.5.2.20 NMAC, 1/1/2008; A, 12/30/2010; 19.5.2.20 NMAC - Rn & A, 19.5.2.19 NMAC, 1/1/2013]

19.5.2.21 FIREARMS AND BOWS:

A. Visitors shall not possess firearms with a cartridge in any portion of the mechanism except:
(1) a legally licensed hunter during a designated hunting season and within park areas designated as open to hunting for the species the hunter is licensed to hunt;
(2) on duty law enforcement officials;
(3) persons with a valid concealed handgun license issued to them pursuant to the Concealed Handgun Carry Act, Section 29-19-1 *et seq.* NMSA 1978.
(4) persons with a concealed handgun license issued to them by a state that has a valid concealed handgun reciprocity agreement with the state of New Mexico; or
(5) persons carrying a firearm in a private vehicle or other private means of conveyance, for lawful protection of the person's or another's person or property.

B. Visitors shall not discharge a firearm within a state park except:
(1) a legally licensed hunter during designated hunting season who is hunting within park areas designated as open to hunting for the species the hunter is licensed to hunt and who is more than 300 yards from a developed park area or occupied campsite;
(2) on duty law enforcement officials pursuant to their official duties; or
(3) persons with a valid concealed handgun license issued to them pursuant to the Concealed Handgun Carry Act, Section 29-19-1 *et seq.* NMSA 1978, or another state that has a valid concealed handgun reciprocity agreement with the state of New Mexico when discharged in self defense, defense of another person or defense of a dwelling or habitation.

C. Visitors shall not use or discharge arrows, bolts or air or gas fired projectiles, weapons and other devices capable of causing injury to persons or animals or damage or destruction of property in the state parks system, except:
(1) a legally licensed hunter or fisherman during a designated hunting or fishing season who is hunting or fishing within park areas designated as open to hunting or fishing for the species the hunter or fisherman is licensed to hunt or fish, or in authorized areas, and who is more than 100 yards from a developed park area or occupied campsite; or
(2) for park authorized events and activities.

D. Subsection C of 19.5.2.21 NMAC does not apply to on duty law enforcement officials acting pursuant to their official duties.
[19.5.2.21 NMAC - Rp, 19.5.2.21 NMAC, 1/1/2008; 19.5.2.21 NMAC - Rn & A, 19.5.2.20 NMAC, 1/1/2013]

19.5.2.22 ICE-SKATING AND ICE-FISHING: Visitors may ice-skate or ice-fish within parks at their own risk. Superintendents may prohibit or limit these activities as conditions require. Ice-fishing is permitted as

regulated by the state game commission. Visitors shall not cut holes in the ice for ice-fishing larger than 12 inches in diameter.

[19.5.2.22 NMAC - N, 1/1/2008; 19.5.2.22 NMAC - Rn, 19.5.2.21 NMAC, 1/1/2013]

19.5.2.23 LETTER BOXING AND GEOCACHING: Visitors shall not conduct letter boxing or geocaching activities in parks without the superintendent's written permission.

[19.5.2.23 NMAC - Rp, 19.5.2.30 NMAC, 1/1/2008; 19.5.2.23 NMAC - Rn, 19.5.2.22 NMAC, 1/1/2013]

19.5.2.24 METAL DETECTING: Metal detecting within a state park is prohibited unless a visitor obtains the superintendent's permission to use metal detectors for scientific activities such as projects permitted through the New Mexico cultural properties review committee or to retrieve lost items.

[19.5.2.24 NMAC - Rp, 19.5.2.22 NMAC, 1/1/2008; 19.5.2.24 NMAC - Rn, 19.5.2.23 NMAC, 1/1/2013]

19.5.2.25 ROCK COLLECTING:

A. Rock collecting is permissible in areas designated by the secretary and posted at the rockhound unit of Rockhound state park.

B. Rocks removed from Rockhound state park shall be as souvenirs only, not for resale, trade or commercial use.

C. Rock collecting is limited to small hand tools only. The following are prohibited: mechanical or motorized tools and equipment, tools with a handle longer than 12 inches, wheeled devices such as wheelbarrows, carts or wagons.

[19.5.2.25 NMAC - Rp, 19.5.2.23 NMAC, 1/1/2008; 19.5.2.25 NMAC - N, 1/1/2013]

19.5.2.26 NOISE LIMITATIONS:

A. Park "quiet hours" begin at 10:00 p.m. and end at 7:00 a.m. Visitors shall not operate generators, radios or unmuffled vehicles or engage in other loud activity during this time period.

B. Except in case of an emergency, creation of loud noise through the use of a loudspeaker requires the superintendent's advance written approval. Visitors shall operate radios, tape players or other sound producing devices at a reasonable level during non-quiet hours so as not to disturb other visitors.

C. Visitors shall not use fireworks within parks without the superintendent's advance written approval. Use or possession of fireworks may be prohibited by the landowner (*e.g.* United States department of the interior, bureau of reclamation) from which the division leases the land or reservoir.

[19.5.2.26 NMAC - Rp, 19.5.2.24 NMAC, 1/1/2008; 19.5.2.26 NMAC - Rn & A, 19.5.2.24 NMAC, 1/1/2013]

19.5.2.27 CONDUCT:

A. Visitors are encouraged to enjoy park experiences without infringing upon other visitors' ability to enjoy the same experiences. Visitors shall not engage in threatening, abusive, boisterous, insulting or indecent language or behavior.

B. Visitors shall not solicit, gamble or illegally discriminate.

C. Visitors shall not evade, disobey or resist a state park official's lawful order.

D. Parents, guardians or other adults in charge shall exercise constant direct supervision of minor children or adults who do not possess the intelligence or awareness to recognize possible danger.

E. Law enforcement officers may forcibly eject a person who violates a state law or a department rule or a person who evades, disobeys or resists a state park official's lawful order from a park. Based on the severity of conduct or reported incident, *i.e.*, threatening or intimidating conduct toward visitors or park staff, the ejection may be permanent.

(1) Permanent ejection requires the regional manager to issue written notification to the person being permanently ejected.

(2) To request review of a permanent ejection a regional manager issues, an individual ejected from a park or parks shall submit a written request including the reasons for requesting review to the director within 15 calendar days of issuance and provide written notice to the regional manager.

(3) The regional manager and the ejected individual shall submit written statements to the director within 10 working days of the submission of the request for review.

(4) The director shall base his or her decision on the written statements unless the ejected individual or the regional manager requests the opportunity to call witnesses or make oral arguments within 10 working days of the request for review.

(5) A request for hearing shall explain the need for any witness testimony or oral argument. If the ejected individual or regional manager asks to make oral arguments or call witnesses, the director may set a hearing to be held within 10 working days after receiving that request and provide notice of the hearing date, time and location to the regional manager and the ejected individual. Oral testimony shall be made under oath. A tape or stenographic record shall be made of any oral argument or witness testimony.

(6) The director shall issue a written final decision, including findings of fact within 10 working days after the date for submission of written statements, or a hearing if any, and send copies to the ejected individual and the regional manager.

[19.5.2.27 NMAC - Rp, 19.5.2.25 NMAC, 1/1/2008; 19.5.2.27 NMAC - Rn & A, 19.5.2.25 NMAC, 1/1/2013]

19.5.2.28 ANIMALS:

A. Visitors with dogs, cats or other domestic animals in areas of the state parks system shall control their animals, so as not to cause a nuisance to others. Visitors shall ensure their animals are vaccinated in accordance with applicable municipal or county ordinances and state laws.

B. Visitors shall pick up after their animals and shall maintain the area in a clean and sanitary condition.

C. Visitors shall restrain dogs on leashes that are not more than 10 feet in length, except in areas the superintendent designates. Subsection C of 19.5.2.28 NMAC does not apply to dogs being used in authorized activities such as field trials, retriever training or hunting. Visitors shall otherwise restrain their animals other than dogs to keep them from roaming freely within the parks.

D. Visitors shall prevent their animals from excessive barking, howling and making loud noises. Visitors shall prevent their animals from biting or attacking any person or destroying property. Visitors shall not leave their animals unattended in vehicles or campsites.

E. Animals are prohibited, except service animals, within visitor centers and at the following parks:

- (1) Rio Grande Nature Center state park;
- (2) Living Desert Zoo and Gardens state park; and
- (3) Smokey Bear historical park.

F. The director may designate and post areas within a park where visitors' animals do not have to be restrained.

[19.5.2.28 NMAC - Rp, 19.5.2.26 NMAC, 1/1/2008; 19.5.2.28 NMAC - Rn & A, 19.5.2.26 NMAC, 1/1/2013; A, 5/15/2018]

19.5.2.29 LITTERING:

A. Visitors shall not dispose of commercial or construction waste, appliances or furnishings within a park.

B. Visitors shall not dispose of solid or liquid waste in the state parks system, except in receptacles provided for that purpose.

C. The superintendent may designate and post an area or an entire park as pack-in, pack-out, where visitors are responsible for properly disposing their solid waste outside of the designated area or park.

[19.5.2.29 NMAC - Rp, 19.5.2.29 NMAC, 1/1/2008; 19.5.2.29 NMAC - Rn & A, 19.5.2.27 NMAC, 1/1/2013; A, 5/15/2018]

19.5.2.30 ABANDONED PROPERTY: Unless the visitor has obtained the superintendent's prior written permission, personal property left in any park for longer than 14 calendar days shall be deemed abandoned. State park officials shall remove property deemed abandoned at the owner's expense and dispose of it as provided by law. [19.5.2.30 NMAC - Rp, 19.5.2.27 NMAC, 1/1/2008; A, 12/30/2010; 19.5.2.30 NMAC - Rn, 19.5.2.28 NMAC, 1/1/2013]

19.5.2.31 PROHIBITION OF ALCOHOLIC BEVERAGES: The director may prohibit alcohol consumption or possession within a park or a designated area within a park and the superintendent shall post notice of the prohibition.

[19.5.2.31 NMAC- Rp, 19.5.2.28 NMAC, 1/1/2008; 19.5.2.31 NMAC - Rn, 19.5.2.29 NMAC, 1/1/2013]

19.5.2.32 FEES AND CHARGES:

A. Upon entering a park, visitors shall pay fees and charges in accordance with 19.5.6 NMAC. The visitor shall display applicable permits in accordance with instructions provided with the permit. If a visitor fails to obtain a permit, state park officials may field collect fees.

B. Fees, charges and permit display requirements do not apply to:

(1) government agencies or government officials or employees, including law enforcement and emergency service personnel, who are performing official duties (official duties do not include activities that do not have to occur in a park such as conferences, retreats or training);

(2) non-governmental emergency service personnel, such as private ambulance companies, who are performing their official duties;

(3) persons traveling nonstop through a park on a state or federal highway, county road, federal road or municipal road or street;

(4) on duty news media personnel who are reporting on events or activities within a park and are only in the park to report on those events or activities; or

(5) individuals or groups who are entering the park to provide volunteer services and have signed a volunteer agreement with the division or have made arrangements with the division to provide volunteer services.

C. Fees and charges do not apply to:

(1) division contractors, suppliers or agents or other persons providing services to a park who are not using the park or its facilities for purposes other than providing services to the park;

(2) concessionaires, concession permittees or their employees or commercial contractors, suppliers and agents who are only traveling to and from the concession and are not using the park or its facilities for personal use;

(3) persons needing to pass through a park to access private property who are only passing through the park and are not using the park or its facilities;

(4) park support group members or volunteers who have a park pass issued pursuant to Subsection D of 19.5.2.36 NMAC; or

(5) persons who are only entering the Conchas Lake state park to access the concessionaire store, restaurant or bar at the north area of Conchas Lake state park and are not using the park or its facilities, provided they park in the designated concessionaire parking area at the north area.

D. Visitors not subject to Subsection B of 19.5.2.32 NMAC shall display permits at all times inside a park.

E. The superintendent or director may waive or reduce park fees for primary or secondary school groups or college or university groups that are involved with a division educational program or have made arrangements with the division to conduct research within a park or for governmental entities holding such activities as trainings or other educational activities or projects, retreats or conferences at a park.

F. State park officials may issue rain checks for unused, prepaid daily camping activities or the cancellation of a group shelter reservation.

G. The division or its contractors may charge fees in addition to the appropriate use fee for reservation processing and cancellation. The contractor or state park officials shall collect the reservation fee for those park sites where the division has established a reservation program. See 19.5.6 NMAC. Visitors shall pay the reservation fee in advance with applicable fees for facilities, sites, day use, camping, electricity or other service for the total reservation period.

H. In addition to the appropriate use fees, the division may charge additional fees for special events such as concerts, festivals, etc. The additional fees shall not exceed the value of admission to the special events. [19.5.2.32 NMAC - N, 1/1/2008; 19.5.2.32 NMAC - Rn & A, 19.5.2.30 NMAC, 1/1/2013; A, 5/15/2018]

19.5.2.33 PERMITS AND CONCESSIONS: Concession-operated camp grounds do not accept division-issued permits.

[19.5.2.33 NMAC - Rp, 19.5.2.28 NMAC, 1/1/2008; A, 12/30/2010; 19.5.2.33 NMAC - Rn, 19.5.2.31 NMAC, 1/1/2013]

19.5.2.34 DAY USE AND CAMPING PERMITS:

A. Day use permits.

(1) Day use permits authorize visitors to use park facilities that do not require other fees, such as meeting rooms or group shelters, from 6:00 a.m. to 9:00 p.m.; unless the superintendent has posted different hours.

(2) When purchasing the day use permit visitors shall comply with the instructions on the permit and provide, as requested, their name, address and vehicle license number as well as the date of purchase and the amount enclosed and, if applicable, their site number. Visitors shall indicate that they are only paying for day use.

B. Camping permits.

(1) Subject to the availability of a campsite, camping permits authorize visitors to camp in a park.

(2) When purchasing the camping permit visitors shall comply with the instructions on the permit and provide, as requested, their name, address and vehicle license number as well as their site number, the date of purchase, the amount enclosed and length of stay and, if applicable, their annual permit number. Visitors shall also indicate that they are camping.

[19.5.2.34 NMAC - N, 1/1/2008; 19.5.2.34 NMAC - Rn, 19.5.2.32 NMAC, 1/1/2013]

19.5.2.35 ANNUAL PERMITS AND PASSES:

A. Annual day use passes.

(1) Annual day use passes authorize the vehicle owner or individual to access and use the park at no additional charge during the times indicated in 19.5.2.11 NMAC. Visitors may use annual day use passes at all parks, except at the Living Desert Zoo and Gardens state park and Smokey Bear historical park.

(2) When purchasing an annual day use pass visitors shall comply with the instructions on the pass and provide their name and address.

(3) The division does not issue extra vehicle passes for annual day use passes.

B. Annual camping permits.

(1) Annual camping permits authorize the vehicle owner or individual to access and use the park at no additional charge except for utility hookups during the times indicated in 19.5.2.12 NMAC. The annual camping permit allows the visitor one sleeping unit. A motor home towing a vehicle or a vehicle towing a camping trailer is considered a sleeping unit. The visitor shall pay the per night camping fee for additional vehicles.

(2) Annual camping permits are available for:

(a) New Mexico residents as documented with a current New Mexico driver's license or other state of New Mexico issued photo identification;

(b) New Mexico residents 62 years of age or older as documented with a current New Mexico driver's license or other state of New Mexico issued photo identification;

(c) New Mexico residents with disabilities who present a New Mexico handicap motor vehicle license plate issued to them; a parking placard for mobility impaired individuals with a placard holder identification card issued to them by the taxation and revenue department, motor vehicle division if the placard was issued before June 4, 2008; a parking placard for mobility impaired individuals with the photograph of the placard holder issued to them by the taxation and revenue department, motor vehicle division if the placard was issued on June 4, 2008 or after; a New Mexico department of game and fish lifetime hunting and fishing card containing their name; a written determination from the United States social security administration finding that they are currently eligible for social security disability benefits or supplemental security income disability benefits; or a photocopy of the award letter the United States department of veterans affairs issues indicating they have a one hundred percent service-connected disability; and

(d) all-out-of-state-residents including senior citizens and persons with disabilities.

(3) When purchasing an annual camping permit, visitors shall comply with the instructions on the permit and provide their name; address; if applicable, proof of age or residency; and the license plate number of the vehicle for which the visitor is purchasing the permit.

(4) Visitors may use annual camping permits at all parks, except at the Living Desert Zoo and Gardens state park and Smokey Bear historical park.

(5) Annual camping permits are authorized for use by the person the permit is issued to as indicated on the permit receipt and are non-transferrable.

C. Annual day use passes and annual camping permits expire 12 months after the date the division issues them. The division shall not make refunds or prorations for permits or passes that remain in effect for less than 12 months.

D. Visitors may obtain replacement annual camping permits and stickers by submitting a signed affidavit describing the facts of the purchase and the permit's loss or destruction and, if available, the original permit or proof of purchase. The division does not issue replacements for annual day use passes.

E. The division may sell gift certificates for annual day use passes and annual camping permits.

[19.5.2.35 NMAC - N, 1/1/2008; 19.5.2.35 NMAC - Rn & A, 19.5.2.33 NMAC, 1/1/2013]

19.5.2.36 DISABLED VETERANS PASSES:

A. Disabled veterans camping passes.

(1) A disabled veterans camping pass authorizes New Mexico resident veterans with a fifty percent or greater service-connected disability to camp at a park at no charge for three nights, consecutive or non-consecutive, within a 12-month period.

(2) To obtain the three one-night passes, an eligible veteran shall apply with the New Mexico department of veterans services for certification that verifies the veteran's disability and residency (current address) and that the New Mexico department of veterans services forwards to the division.

(3) Disabled veterans may obtain replacement camping passes and stickers by submitting a signed affidavit describing the facts of the issuance and loss or destruction of the pass and, if available, the original pass or proof of issuance.

B. Disabled veterans annual day use passes.

(1) Disabled veterans annual day uses passes authorize New Mexico resident veterans with a permanent fifty percent or greater service-connected disability to obtain one annual day use pass at no charge for personal use only. An eligible veteran desiring more than one annual day use pass shall purchase additional annual day use passes at full price.

(2) To obtain an annual day use pass, an eligible veteran shall apply with the New Mexico department of veterans services for certification that verifies the veteran's disability and residency (current address) and that the New Mexico department of veterans services forwards to the division.

(3) The division does not issue replacements for disabled veterans annual day use passes.

[19.5.2.36 NMAC - Rp, 19.5.2.28 NMAC, 1/1/2008; A, 12/30/2010; 19.5.2.36 NMAC - Rn, 19.5.2.34 NMAC, 1/1/2013]

19.5.2.37 VETERANS' DAY: On the federally designated legal holiday known as Veterans' day any New Mexico resident who provides satisfactory proof that the resident is currently serving or has served in the United States armed forces, and the resident's spouse and dependent children are entitled to free use of any park including the waiving of all day use, camping or other fees.

[19.5.2.37 NMAC - Rp, 19.5.2.28 NMAC, 1/1/2008; A, 12/30/2010; 19.5.2.37 NMAC - Rn, 19.5.2.35 NMAC, 1/1/2013]

19.5.2.38 FOSTER FAMILIES: Foster parents and children in their custody who are New Mexico residents are entitled to free day use of parks. To obtain a free annual day use pass for entry to parks the foster parent shall present a current New Mexico driver's license or other state of New Mexico issued photo identification and a current New Mexico children, youth and families department foster parent certification card.

[19.5.2.38 NMAC - N, 6/25/2019]

19.5.2.39 PARK PASSES:

A. Concessionaires. The director or director designee (see Subsection Q of 19.5.7 NMAC) may issue park passes to concessionaires, concession permittees or their employees or commercial contractors, suppliers and agents for access to and from the concession. Concessionaires, concession permittees or their employees or commercial contractors, suppliers and agents using the park, lake or facilities away from the concession premise shall pay the appropriate fees.

B. Contractors. The director or director designee (see Subsection Q of 19.5.1.7 NMAC) may issue park passes to division contractors, suppliers or agents or other persons providing services to a park for access to the park. Division contractors, suppliers or agents or other persons providing services to a park using the park or its facilities for purposes other than providing services to a park shall pay the appropriate fees.

C. Access to private property. The director or director designee may issue park passes to persons needing to pass through a park to access private property. Persons with such park passes shall only use the park passes to travel through the park. If they use the park or its facilities they shall pay the appropriate fees.

D. Park support groups and volunteers. The director or director designee may issue park passes to individuals who are members of a park support group that has entered into an agreement with the department or, as provided in division policy, to volunteers who significantly contribute to the division.

E. Complimentary park passes. The director or director designee (see Subsection Q of 19.5.1.7 NMAC) may issue complimentary passes as rainchecks to visitors for unused services or to resolve visitor complaints about park operation or maintenance.

F. Official use passes. The director may issue “official use only” passes to state government executive branch officials with direct oversight of the division, park advisory board members and state legislators for the performance of their official duties.

G. Advertising and promotions. To promote the parks or in exchange for advertising or promotion of parks, the director may issue free or discounted park passes or not charge fees if the director obtains the secretary’s approval after the division provides the secretary with written justification showing that the issuance of park passes for promotion or advertising or not charging fees for promotional purposes provides a benefit to the division. Reduced rates for advertising must be equal to or exceed the value of the park passes that the division provides in exchange for receiving the reduced rates.

[19.5.2.39 NMAC - Rn, 19.5.2.38 NMAC, 6/25/2019]

19.5.2.40 SPECIAL USE PERMITS:

A. The division shall authorize public assemblies involving groups of more than 10 people; public assemblies involving groups of 10 people or less that are using stages, platforms or structures; or special events within the state parks system only by special use permit and only after payment of associated fees. Persons shall submit applications for special use permits to the superintendent of the park where the special event or public assembly is proposed at least 15 calendar days prior to the special event or public assembly, or at least 30 calendar days prior to the special event if the special event is a regatta, motorboat or boat race, marine parade, tournament or exhibition. The director may waive the time limits for submittal of special use permit applications where arrangements can be made in a shorter time without placing an undue administrative burden on staff or when no special arrangements are necessary.

B. Persons shall complete the division-provided special use permit, which may include the park where the special event or public assembly is proposed; the location of the proposed special event or public assembly within the park; the date of the proposed special event or public assembly; start and end times for the proposed special event or public assembly; the number of people expected to attend; a detailed description of the proposed special event or public assembly; the applicant’s name, address and phone number; a hold harmless requirement if the applicant is a non-governmental entity; insurance coverage; and designation of the type of proposed special event or public assembly (*i.e.* special use, marine event, park event, etc.).

C. The superintendent shall approve the special use permit, approve the special use permit with conditions or deny the special use permit as provided in 19.5.2.40 through 19.5.2.42 NMAC. The superintendent shall not issue a special use permit for a period of more than 14 consecutive calendar days without the director’s approval. The director may approve a special use permit for more than 14 consecutive calendar days if the event will exceed 14 consecutive calendar days. The park may charge fees in addition to the special use permit fee to cover costs of additional staff, facilities, etc. needed for the special event or public assembly. The division may enter into an agreement with the special use permittee to have the special use permittee pay a fee equal to the estimated fees, such as day use fees, that individuals attending the special event would have paid in fees in lieu of such fees.

D. No person shall violate a condition or restriction attached to or indicated on the special use permit. The division may revoke a permit if the permit holder violates 19.5.2 NMAC. The superintendent may also revoke a special use permit for any of the conditions that constitute grounds for denial of a special use permit as provided in Subsection B of 19.5.2.41 NMAC for special events and Subsection B of 19.5.2.42 NMAC for public assemblies, or for violation of the terms and conditions of the special use permit. Such a revocation shall be made in writing, with the reasons for revocation clearly set forth, except under emergency circumstances, when an immediate verbal revocation may be made to be followed by written confirmation within 72 hours.

[19.5.2.40 NMAC - Rn & A, 19.5.2.39 NMAC, 6/25/2019]

19.5.2.41 SPECIAL EVENTS:

A. Special events are allowed in a park if the applicant has obtained a special use permit from the superintendent.

B. The superintendent shall deny a special use permit if such activities would:

- (1) cause injury or damage to park resources;
- (2) be contrary to the purposes for which the park is established or operated; or unreasonably impair the purposes for which the park is established or operated;

- (3) unreasonably interfere with interpretive, visitor service or other program activities, or with the division's administrative activities;
- (4) substantially impair the operation of the division's public use facilities or services of concessionaires or contractors;
- (5) present a danger to the public health and safety;
- (6) result in significant conflict with other existing uses; or
- (7) not comply with the laws or policies of the landowner (*e.g.* United States department of the interior, bureau of reclamation; New Mexico department of game and fish; United States army corps of engineers, New Mexico state land office, etc.).

C. As a condition of the special use permit's issuance, the superintendent may require:

(1) for non-New Mexico government or non-federal government applicants, the filing of a bond payable to the director, in an amount adequate to cover costs such as restoration, rehabilitation and cleanup of the area used, and other costs resulting from the event; or

(2) the acquisition of liability insurance in which the state, department and division, and if applicable the landowner (*e.g.* United States department of the interior, bureau of reclamation) from which the division leases the land or reservoir, are named as co-insured in an amount sufficient to protect the state, the department and the division, and if applicable the landowner.

D. The special use permit may contain such conditions as are reasonably consistent with protection and use of the park for the purposes for which it is established or operated. It may also contain reasonable limitations on the equipment used and the time and area within which the special event is allowed.

[19.5.2.41 NMAC – Rn, 19.5.2.40 NMAC, 6/25/2019]

19.5.2.42 PUBLIC ASSEMBLIES, MEETINGS:

A. Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views are allowed within parks. A special use permit issued by the park superintendent is required for public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views that involve groups of:

- (1) more than 10 people; or
- (2) 10 people or less who are using stages, platforms or structures.

B. The superintendent shall, without unreasonable delay, issue a special use permit on proper application unless:

- (1) a prior application for a special use permit for the same time and place has been made that has been or will be granted and the activities authorized by that special use permit do not reasonably allow multiple occupancy of that particular area;
- (2) it reasonably appears that the event will present a danger to the public health or safety; or
- (3) the event is of such nature or duration that it cannot reasonably be accommodated in the particular location applied for, considering such things as damage to park resources or facilities, interference with program activities or impairment of public use facilities.

C. If the superintendent denies a special use permit, the superintendent shall inform the applicant in writing with the reasons for the denial set forth.

D. The superintendent shall designate on a map, which shall be available in the office of the superintendent, the locations available for public assemblies. Locations may be designated as not available if such activities would:

- (1) cause injury or damage to park resources;
- (2) unreasonably interfere with interpretive, visitor service or other program activities, or with the division's administrative activities;
- (3) substantially impair the operation of public use facilities or services of division concessionaires or contractors; or
- (4) present a danger to the public health and safety.

E. The special use permit may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is established. It may also contain reasonable limitations on the equipment used and the time and area within which the event is allowed.

F. It is prohibited for persons engaged in activities permitted or authorized pursuant to 19.5.2.42 NMAC to obstruct or impede pedestrians or vehicles, harass park visitors, interfere with park programs or create security or accessibility hazards.

[19.5.2.42 NMAC - Rn & A, 19.5.2.41 NMAC, 6/25/2019]

19.5.2.43 RESEARCH AND COLLECTIONS:

- A.** Academic research activities, including plant and animal collecting, are allowed in a park if the person or entity has obtained a research permit through the division's resource program.
- B.** The division shall deny a research permit if such activities would:
 - (1) cause undue injury or damage to park resources;
 - (2) be contrary to the purposes for which the park is established or operated; or unreasonably impair the purposes for which the park is established or operated;
 - (3) unreasonably interfere with interpretive, visitor service or other program activities, or with the division's administrative activities;
 - (4) substantially impair the operation of the division's public use facilities or services of concessionaires or contractors;
 - (5) present a danger to the public health and safety;
 - (6) result in significant conflict with other existing uses;
 - (7) not comply with the laws or policies of the landowner (*e.g.* United States department of the interior, bureau of reclamation; New Mexico department of game and fish; United States army corps of engineers; New Mexico state land office, etc.); or
 - (8) not comply with federal or state laws concerning threatened and endangered species or cultural resources.
- C.** As a condition of the research permit's issuance, the division may require:
 - (1) the acquisition of liability insurance in which the state, department and division, and if applicable the landowner (*e.g.* United States department of the interior, bureau of reclamation) from which the division leases the land or reservoir, are named as co-insured in an amount sufficient to protect the state, the department and the division, and if applicable the landowner; or
 - (2) the permittee to submit to the resource program a written report summarizing the data collected within six months of completion of the permitted activity.
- D.** The research permit may contain such conditions as are reasonably consistent with protection and use of the park for the purposes for which it is established or operated. It may also contain reasonable limitations on the equipment used and the time and area within which the research activity is allowed.
- E.** The park may charge fees to cover costs of additional staff, facilities, etc. needed for the research activities.

[19.5.2.43 NMAC - Rn, 19.5.2.42 NMAC, 6/25/2019]

History of 19.5.2 NMAC:

Pre NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives.

- SPRD 67-1, Rules and Regulations, 07/17/1967;
- SPRD 68-1, New Mexico Pleasure Boating Requirements and State Park Regulations, 10/17/1968;
- SPRD 69-1, New Mexico Pleasure Boating Requirements and State Park Regulations, 09/11/1969;
- SPRD 71-1, New Mexico Pleasure Boating Requirements and State Park Regulations, 11/10/1971;
- SPRD 72-1, New Mexico Pleasure Boating Requirements and State Park Regulations, 06/05/1972;
- SPRD 73-3, New Mexico Pleasure Boating Requirements and State Park Regulations, 09/14/1973;
- SPRD 74-1, New Mexico Pleasure Boating Requirements and State Park Regulations, 02/19/1974;
- SPRD 75-1, New Mexico State Park and Recreation Commission Regulations, New Mexico Boating Law, 1975 Edition, 02/24/1975;
- SPRD 77-1, New Mexico State Park and Recreation Commission Regulations, New Mexico Boating Law, 1977 Edition, 04/15/1977;
- SPRD 79-1, New Mexico Park Regulations and Boating Laws, 07/31/1979;
- SPRD 82-1, New Mexico Park Regulations and Boating Laws Revised in 1981, 05/17/1982;
- NRD 86-1, Prohibition of Alcoholic Beverages Within Designated Areas of Bottomless Lakes State Park, 06/30/1986;
- SPRD 87-1, New Mexico State Park Regulations and Boating Laws, Revised in 1987, 05/06/1987;
- EMNRD PRD 89-2, New Mexico State Park Regulations, 12/21/1989.

History of Repealed Material:

19.5.2 NMAC, Park Visitor Provisions (filed 12/12/2002) repealed 1/1/2008.

Other History:

NRD 86-1, Prohibition of Alcoholic Beverages Within Designated Areas of Bottomless Lakes State Park, filed 06/30/1986 and EMNRD PRD 89-2, New Mexico State Park Regulations, filed 12/21/1989 were renumbered, reformatted and replaced by 19 NMAC 5.2, Park Visitor Provisions, filed 12/17/1996.

19 NMAC 5.2, Park Visitor Provisions (filed 12/17/1996) renumbered, reformatted, amended and replaced by 19.5.2 NMAC, Park Visitor Provisions; effective 12/31/2002.

19.5.2 NMAC, Park Visitor Provisions (filed 12/12/2002) replaced by 19.5.2 NMAC, Park Visitor Provisions, effective 1/1/2008.