

**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 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.

**Purpose of Amendment:** EMNRD proposes the amendments to include a definition of paddlecraft; change the registration fees for vessels; include a definition of resident; remove the day use fee requirement for New Mexico residents; require non-resident visitors to pay a day use fee; require payment of entrance fees for all visitors at Living Desert Zoo and Gardens state park and Smokey Bear historical park; require payment of parking fees for all visitors at Rio Grande Nature Center state park; and provide verification requirements for residency; correct grammar and spelling; clarify check out times for campsites; include Cerrillos Hills state park as a park that does not allow camping; remove annual day use and annual camping permits; 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 were permitted by the superintendent, remove the allowance for off-highway motor vehicles to be used within parks for ice fishing; remove the exception to fees for persons who are entering Conchas Lake state park to access the concessionaire; clarify that visitors shall purchase camping permits to camp in a park; remove disabled veterans annual day-use passes; amend language for foster family free access to parks to match language in house bill 35 from the 2023 legislative session; change fees for day use and camping permits, add a fee for paddlecraft launching, add a parking fee to the Rio Grande Nature Center state park, change entrance fees at Living Desert Zoo and Gardens state park and Smokey Bear historical park, change utility fees, add a RV dump station use fee, remove annual passes, remove outdated wording, increase special use permit fees, add a short term concession permit, eliminate wildlife blind fees, and implement a regular review of fees based off the Chained Consumer Price Index for Urban Consumers.

**The full text of the proposed rule amendments are available** from Jared Langenegger at 575-420-1733 or [jaredr.langenegger@emnrd.nm.gov](mailto: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 repeal and replace **18.17.2 NMAC**, primarily adding the paddlecraft definition to Section 7. And amend registration fees for vessels in Section 8.

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, 16, 25, 27, 32 -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 at 6:00 p.m. on Monday, April 1, 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 or may submit written comments by March 29, 2024, by 9:00 a.m. 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](mailto:EMNRD-ParksComments@emnrd.nm.gov).

**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](mailto: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](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.